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ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

EDUCATION, STATE BOARD OF

- Evaluation of Certified School District Employees in Contractual Continued
Service; 23 Ill. Adm. Code 50 18979
Truants' Alternative & Optional Education Programs; 23 Ill. Adm. Code 205 ... 18991

HEARING AID PROTECTION BOARD

- Hearing Aid Consumer Protection Continuing Education Requirements;
77 Ill. Adm. Code 3000 19005

INSURANCE, DEPARTMENT OF

- Rules & Rate Filings; 50 Ill. Adm. Code 754 19013

NUCLEAR SAFETY, DEPARTMENT OF

- Accrediting Persons in the Practice of Medical Radiation Technology; 32 Ill.
Adm. Code 401 19017
Registration of Radon Detection & Mitigation Services; 32 Ill. Adm.
Code 420 19034

POLLUTION CONTROL BOARD

- Hazardous Air Pollutants; 35 Ill. Adm. Code 231, Repeal of 19043
New Source Performance Standards; 35 Ill. Adm. Code 230, Repeal of 19054
Organic Material Emission Standards & Limitations; 35 Ill. Adm. Code 215 19081
Permits & General Provisions; 35 Ill. Adm. Code 201 19093
Visible & Particulate Matter Emissions; 35 Ill. Adm. Code 212 19104

PUBLIC AID, DEPARTMENT OF

- Aid to Families with Dependent Children; 89 Ill. Adm. Code 112 19117
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113 19130
General Assistance; 89 Ill. Adm. Code 114 19146
Medical Assistance Programs; 89 Ill. Adm. Code 120 19157
Support Responsibility of Relatives; 89 Ill. Adm. Code 103 19180

PUBLIC HEALTH, DEPARTMENT OF

- Hearing Aid Consumer Protection Code; 77 Ill. Adm. Code 682 19185

SECRETARY OF STATE

- Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010 19235
Dealers, Wreckers, Transporters & Rebuilders; 92 Ill. Adm. Code 1020 19241

ADOPTED RULES

POLLUTION CONTROL BOARD

- Pretreatment Programs; 35 Ill. Adm. Code 310 19243
Sewer Discharge Criteria; 35 Ill. Adm. Code 307 19288

(continued on next page)

REHABILITATION SERVICES, DEPARTMENT OF

Sequential Evaluation Process for the Determination of Disability; 89 Ill.

Adm. Code 845 19308

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

PUBLIC AID, DEPARTMENT OF

Aid to Families with Dependent Children; 89 Ill. Adm. Code 112, Withdrawal.. 19311

Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113, Withdrawal 19312

General Assistance; 89 Ill. Adm. Code 114, Withdrawal 19313

Medical Assistance Programs; 89 Ill. Adm. Code 120, Withdrawal 19314

Support Responsibility of Relatives; 89 Ill. Adm. Code 103, Withdrawal 19315

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for December 14, 1989 19316

Second Notices Received 19324

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

89-544 The Harold Washington Foundation Day 19326

89-545 Coal Miners Day 19326

89-546 Critical Care Nurse Week 19326

CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #49 CI-1

SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru Issue #48 SAI-1

1989 Index - Issue #49 SAI-72

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the *Register* deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Evaluation of Certified School District Employees in Contractual Continued Service

- 2) Code Citation: 23 Ill. Adm. Code 50

<u>Section Numbers:</u>	<u>Proposed Action:</u>
50.10	Amendment
50.20	Amendment
50.40	Amendment
50.50	Amendment
50.55	New Section
50.60	Amendment
50.70	Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 24A-1 et seq., as amended by Public Act 85-1163, Public Act 85-1418 and Public Act 86-201.

- 5) A Complete Description of the Subjects and Issues Involved:

The Chicago reform legislation, P. A. 85-1418, accounts for most of the changes being proposed to Part 50. That Act established specific requirements for the contents of the Chicago school district's evaluation plan, mainly as regards remediation plans for teachers whose performance is judged unsatisfactory, and the various steps contained in those remediation plans. Since these stipulations do not apply to any other school districts, a new Section 50.55 has been added to cover them, and the existing Section 50.50 has been explicitly made applicable only to districts with a population of 500,000 or fewer. The changes made in Sections 50.10 (Definitions) and 50.40 (Content of Evaluation Plans for Teachers and School Service Personnel) are also attributable to the Chicago reform legislation.

Section 50.20 (Submission of Evaluation Plans) has been changed to reflect the provisions of P.A. 85-1163, which pertained to the submission of copies of evaluation plans to exclusive bargaining representatives. That Act also caused the insertion of additional language into Section 50.60, Multi-Year Collective Bargaining Agreements.

Finally, passage of P.A. 86-201 during the 1989 session is reflected in the changes proposed to Section 50.70, Alternative Evaluations. This recent legislation will take effect on January 1, 1990, causing postponement of evaluation by the State Board in cases where a dispute exists as to the evaluation instrument to be used in carrying out the required evaluations of district's staff.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives:

Adoption of these amendments will not create or enlarge a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Susan K. Bentz
Assistant Superintendent
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3774

- 12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 50

EVALUATION OF CERTIFIED SCHOOL DISTRICT EMPLOYEES
IN CONTRACTUAL CONTINUED SERVICE

Section

- 50.10 Definitions
- 50.20 Submission of Evaluation Plans
- 50.30 Review of Evaluation Plans
- 50.40 Content of Evaluation Plans for Teachers and School Service Personnel
- 50.50 Unsatisfactory Evaluations - Districts With a Population of 500,000 or Fewer
- 50.55 Unsatisfactory Evaluations - Districts With a Population Over 500,000
- 50.60 Multi-Year Collective Bargaining Agreements
- 50.70 Alternative Evaluations
- 50.80 Evaluation of Administrative Staff

AUTHORITY: Implementing Section 2-3.57, Section 10-21.4a and Article 24A of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.57, 10-21.4a; Ill. Rev. Stat. 1988 Supp., ch. 122, par. 24A-1 et seq., as amended by "AN ACT to amend Section 24A-6 of The School Code" (P.A. 86-201, effective January 1, 1990)) and authorized by Section 24A-7 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 24A-7).

SOURCE: Adopted at 10 Ill. Reg. 15050, effective August 28, 1986; amended at 12 Ill. Reg. 9882, effective May 27, 1988; amended at ___ Ill. Reg. ___, effective ___.

NOTE: Capitalization denotes statutory language.

Section 50.10 Definitions

Certified School District Employees - refers to those professional employees of a school district who are required to hold a teaching, school service personnel, or administrative certificate issued in accordance with Article 21 of Section 34-83 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 21-1 et seq. and 34-83), and who are in contractual continued service as provided in Section 24-11 or 34-84 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 24-11 or 34-84).

NOTICE OF PROPOSED AMENDMENTS

Consulting Teachers - refers to those professional employees of a school district who are required to hold a teaching certificate issued in accordance with Article 21 of Section 34-83 of The School Code, excluding supervisory, managerial or administrative employees, and who meet the qualifications set forth in Section 24A-5(g) of The School Code (Ill. Rev. Stat. 1985 1988 Supp., ch. 122, par. 24A-5(g)).

Evaluation Plan - refers to a formal, written evaluation process which includes procedures by which a school board evaluates all certified personnel employed in a school district and which meets the requirements of Article 24A of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 24A-1 et seq.).

Qualified Administrator - refers to those professional employees who are required to hold a supervisory or administrative certificate in accordance with Article 21 of Section 34-83 of The School Code, and who have participated in an in-service workshop on evaluation of certified personnel in accordance with Section 24A-3 of The School Code (Ill. Rev. Stat. 1985 1988 Supp., ch. 122, par. 24A-3). In districts with a population over 500,000, this term includes assistant principals who are working under the supervision of an administrator qualified under Section 24A-3.

School Boards - refers to boards of education governing school districts in accordance with Articles 10, 32, 33 and 34 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 10-1 et seq., 32-1 et seq., 33-1 et seq., and 34-1 et seq.).

Substantive change - refers to any addition or deletion in the list of qualified administrators who shall conduct required evaluations or any changes in the procedures described in the evaluation Plan.

(Source: Amended at ___ Ill. Reg. ___, effective ___.)

Section 50.20 Submission of Evaluation Plans

- a) Each school district shall submit an evaluation plan, hereinafter called the Plan, for the evaluation of all certified school district employees in contractual continued service. Where cooperative educational programs operate between or among school districts or by Regional Superintendents of Schools, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 3-15.14, 10-22.31, and 10-22.31a), the Plan shall be submitted by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Part all such entities are included in the term "school district."

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) ALL EVALUATION PLANS SHALL BE SUBMITTED TO THE STATE BOARD OF EDUCATION NO LATER THAN OCTOBER 1, 1986, AND THE DISTRICT SHALL AT THE SAME TIME PROVIDE A COPY TO THE EXCLUSIVE BARGAINING REPRESENTATIVES.
- c) WHENEVER ANY SUBSTANTIVE CHANGE IS MADE TO A PLAN, THE REVISED PLAN SHALL BE SUBMITTED TO THE STATE BOARD OF EDUCATION FOR REVIEW AND COMMENT, AND THE DISTRICT SHALL AT THE SAME TIME PROVIDE A COPY OF ANY SUCH REVISED PLAN TO THE EXCLUSIVE BARGAINING REPRESENTATIVES.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 50.40 Content of Evaluation Plans for Teachers and School Service Personnel

- a) The Plan shall contain assurances that teachers were involved in the development of the Plan, or that where applicable, the Plan was developed in cooperation with the exclusive bargaining agent.
- b) THE PLAN SHALL CONTAIN A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF EACH TEACHER AND THE STANDARDS TO WHICH THE TEACHER IS EXPECTED TO CONFORM. These descriptions may be individualized or extend to a class of teachers.
- c) THE PLAN SHALL ASSURE THAT EACH TEACHER IS EVALUATED AT LEAST BIENNIALY BEGINNING WITH THE 1986-87 SCHOOL YEAR.
- d) The Plan shall assure that each teacher is evaluated through personal observation in the classroom by a qualified administrator unless the teacher has no classroom duties. In districts with a population over 500,000, such observation shall occur on at least two different school days.
- e) The Plan shall list the names of all qualified administrators.
- f) THE PLAN SHALL REQUIRE THAT EACH EVALUATION INCLUDE CONSIDERATION OF THE TEACHER'S ATTENDANCE, INSTRUCTIONAL PLANNING, INSTRUCTIONAL METHODS, CLASSROOM MANAGEMENT WHERE RELEVANT, AND COMPETENCY IN THE SUBJECT MATTER(S) TAUGHT WHERE RELEVANT and/or services provided.
- g) THE PLAN SHALL PROVIDE FOR A RATING OF EACH TEACHER'S PERFORMANCE AS "EXCELLENT," "SATISFACTORY" OR "UNSATISFACTORY" and shall define those terms.
- h) THE PLAN SHALL REQUIRE THAT EACH EVALUATION DESCRIBE THE TEACHER'S STRENGTHS AND WEAKNESSES, WITH SUPPORTING REASONS FOR THE COMMENTS MADE.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- i) THE PLAN SHALL REQUIRE THAT A COPY OF EACH TEACHER'S EVALUATION BE PLACED IN THAT TEACHER'S PERSONNEL FILE AND THAT THE TEACHER SHALL BE PROVIDED WITH A COPY OF THE EVALUATION.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 50.50 Unsatisfactory Evaluations - Districts with a Population of 500,000 or Fewer

- a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.
- 1) The remediation plan shall provide for quarterly evaluations and ratings to occur during the year immediately following the teacher's receipt of a remediation plan based upon an unsatisfactory evaluation.
- 2) The quarterly evaluations and ratings shall be conducted by a qualified administrator.
- A) When a quarterly evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two (2) weeks prior to the close of the preceding school year.
- B) When a quarterly evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two (2) weeks after students' attendance commences in the following school year.
- C) Failure to strictly comply with the timelines for the required quarterly evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.
- 3) The qualified administrator shall conduct the fourth and final evaluation at the conclusion of the year specified in subsection (a)(1) of this Section.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) THE REMEDIATION PLAN SHALL PROVIDE REINSTATEMENT TO A SCHEDULE OF BIENNIAL EVALUATIONS FOR ANY TEACHER WHO SUCCESSFULLY COMPLETES THE ONE-YEAR REMEDIATION PLAN BY RECEIVING A SATISFACTORY OR BETTER RATING, UNLESS THE DISTRICT'S PLAN REGULARLY REQUIRES MORE FREQUENT EVALUATIONS.

- b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.

- 1) The participation of the consulting teacher shall be voluntary.
- 2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.

- 3) The consulting teacher shall be chosen from a list developed by the district or, in districts with an exclusive bargaining agent, the bargaining agent may, if it chooses, supply a roster of at least 5 qualified teachers from which the consulting teacher is to be selected, or the names of all teachers so qualified if that number is less than 5. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.

- 4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection.

- 5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation year.

- 6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) The consulting teacher shall not participate in any of the required quarterly evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.

- 8) The consulting teacher shall be informed, through three quarterly conferences with the qualified administrator and the teacher under remediation, of the results of the first three quarterly evaluations in order to continue to provide assistance to the teacher under a remediation plan.

- c) The Plan shall provide that any teacher who fails to complete the one-year remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 24-12 or 34-85 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 24-12 or 34-85).

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 50.55 Unsatisfactory Evaluations - Districts with a Population Over 500,000

- a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.

- 1) THE REMEDIATION PLAN SHALL PROVIDE FOR EVALUATIONS AND RATINGS TO OCCUR FOLLOWING THE TENURED TEACHER'S RECEIPT OF A REMEDIATION PLAN BASED UPON AN UNSATISFACTORY EVALUATION, AS FOLLOWS:

- A) THE REMEDIATION PLAN SHALL PROVIDE FOR 45 DAYS OF SCHOOL REMEDIATION WITHIN THE CLASSROOM.

- B) ADDITIONAL REMEDIATION, UP TO ONE YEAR (INCLUSIVE OF THE 45 DAYS), MAY BE PROVIDED ONLY IN THOSE CASES WHERE, AT THE TERMINATION OF THE 45-DAY IN-CLASS REMEDIATION, THE PRINCIPAL AND CONSULTING TEACHER (SEE SUBSECTION (b)) DETERMINE (BASED ON THE TEACHER'S PROGRESS) THAT THE TEACHER MAY BE REMEDIABLE.

- 1) SUCH ADDITIONAL REMEDIATION SHALL CREATE NO PRESUMPTION OF REMEDIABILITY AND MAY BE TERMINATED AT ANY TIME AFTER 45 OR 90 SCHOOL DAYS BY THE PRINCIPAL.

NOTICE OF PROPOSED AMENDMENTS

- 1) THE PRINCIPAL AND CONSULTING TEACHER SHALL DETERMINE IF THE ADDITIONAL REMEDIATION SHALL BE CONDUCTED WITHIN OR OUTSIDE OF THE ASSIGNED CLASSROOM.
- 2) THE REMEDIATION PLAN SHALL ALSO PROVIDE FOR MONTHLY EVALUATIONS AND RATINGS FOR THE FIRST SIX MONTHS AND QUARTERLY EVALUATIONS AND RATINGS FOR THE NEXT SIX MONTHS IMMEDIATELY FOLLOWING COMPLETION OF THE REMEDIATION PROGRAM OF A TEACHER FOR WHOM A REMEDIATION PLAN HAS BEEN DEVELOPED. THESE SUBSEQUENT EVALUATIONS SHALL BE CONDUCTED BY THE QUALIFIED ADMINISTRATOR.
- 2) The evaluations and ratings shall be conducted by a qualified administrator.
- A) When an evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two (2) weeks prior to the close of the preceding school year.
- B) When an evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two (2) weeks after students' attendance commences in the following school year.
- C) Failure to strictly comply with the timelines for the required evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.
- 3) The qualified administrator shall conduct the final evaluation at the conclusion of the applicable remediation period specified in subsection (a)(1).
- 4) THE REMEDIATION PLAN SHALL PROVIDE FOR REINSTATEMENT TO A SCHEDULE OF BIENNIAL EVALUATIONS FOR ANY TEACHER WHO SUCCESSFULLY COMPLETES BOTH THE 45 SCHOOL DAY REMEDIATION PLAN OR EXTENDED PLAN OF UP TO ONE YEAR AND A ONE-YEAR INTENSIVE REVIEW SCHEDULE BY RECEIVING A SATISFACTORY OR BETTER RATING IN EACH INSTANCE, UNLESS THE DISTRICT'S PLAN REGULARLY REQUIRES MORE FREQUENT EVALUATIONS.
- b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.

NOTICE OF PROPOSED AMENDMENTS

- 1) The participation of the consulting teacher shall be voluntary.
- 2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.
- 3) The consulting teacher shall be chosen from a list developed by the district or, in districts with an exclusive bargaining agent, the bargaining agent may, if it chooses, supply a roster of at least 5 qualified teachers from which the consulting teacher is to be selected, or the names of all teachers so qualified if that number is less than 5. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.
- 4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2). The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection.
- 5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period.
- 6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.
- 7) The consulting teacher shall not participate in any of the required evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.
- 8) The consulting teacher shall be informed, through conferences with the qualified administrator and the teacher under remediation, of the results of the required evaluations in order to continue to provide assistance to the teacher under a remediation plan.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) The Plan shall provide that any teacher who fails to complete any applicable remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 34-85 of The School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 34-85).

(Source: Added at Ill. Reg. ____, effective ____)

Section 50.60 Multi-Year Collective Bargaining Agreements

- a) Any school district subject to a multi-year collective bargaining agreement signed prior to August 1, 1985, shall submit its current evaluation plan to the State Board of Education. The plan may be the evaluation plan developed pursuant to the collective bargaining agreement or otherwise operating in that district. The school district shall simultaneously notify the State Board of Education of the effective date(s) of the collective bargaining agreement(s).
- b) The school district shall submit to the State Board of Education, upon expiration of the collective bargaining agreement, an evaluation plan which meets the requirements of Article 24A of The School Code and of this Part. THE DISTRICT SHALL AT THE SAME TIME PROVIDE A COPY OF SUCH PLAN TO THE EXCLUSIVE BARGAINING REPRESENTATIVES.

(Source: Amended at Ill. Reg. ____, effective ____)

Section 50.70 Alternative Evaluations

- a) A SCHOOL DISTRICT THAT DOES NOT COMPLETE AN EVALUATION OF ALL CERTIFICATED PERSONNEL BY THE END OF THE 1987-88 SCHOOL YEAR, OR THAT FAILS TO EVALUATE SUCH TEACHERS WITHIN EVERY TWO SCHOOL YEARS THEREAFTER, MUST SUBMIT TO THE STATE BOARD OF EDUCATION A ROSTER CONTAINING THE NAMES AND TITLES OF SUCH EMPLOYEES AND WRITTEN REASONS FOR THE FAILURE TO EVALUATE THEM.
- b) UPON RECEIPT OF SUCH REPORTS, OR IF OTHERWISE MADE AWARE THAT SUCH EVALUATIONS HAVE NOT BEEN CONDUCTED, THE STATE BOARD OF EDUCATION SHALL CONDUCT AN EVALUATION WHICH SHALL COMPLY WITH THE REQUIREMENTS OF THIS PART, except as provided in subsection (c)(3).
- c) Evaluation by the State Board of Education

- 1) IN DISTRICTS WHERE A COLLECTIVELY BARGAINED PLAN ALREADY EXISTS, THAT PLAN SHALL BE USED TO EVALUATE THE TEACHERS IN THAT DISTRICT.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) In districts where no collectively bargained plan exists, State Board of Education staff shall provide the school district not complying with the requirements of Section 24A-5 with a copy of the State Board of Education's evaluation Plan and shall schedule times for evaluations to be performed by State Board of Education staff.
- 3) IN CASES WHERE AN EVALUATION INSTRUMENT IS IN DISPUTE, THE STATE BOARD OF EDUCATION SHALL POSTPONE ITS EVALUATION UNTIL THE DISPUTE IS RESOLVED.
- d) Copies of the results of evaluations conducted by State Board of Education staff shall be submitted to the school district not completing the evaluations.
- e) Upon receipt of evaluations conducted by State Board of Education staff, the school district shall comply with the requirements of Section 24A-5 (e) through (j) of The School Code.

(Source: Amended at Ill. Reg. ____, effective ____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Truants' Alternative and Optional Education Programs

- 2) Code Citation: 23 Ill. Adm. Code 205

- 3) Section Numbers:

205.30	Amendment	Proposed Action:
205.40	Amendment	
205.50	Amendment	
205.55	New Section	
205.70	Amendment	
205.80	Amendment	

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 2-3.66

- 5) A Complete Description of the Subjects and Issues Involved:

Numerous items have been added to Part 205 in order to make the language in these rules more specific as to the requirements which applicants for funding under this program must meet. The Joint Committee on Administrative Rules advised us that the degree of specificity found in RFP's used in the past should be matched in the rules, and we have taken this opportunity also to reorder the material so that comparison of the RFP and the rules for the program will be easier from now on. Sections 205.30, 205.40, and 205.70 contain most of the changes in this respect.

Section 205.40(a) now also sets forth a new administrative approach to approval and funding for the projects conducted under these rules, i.e., an intention to operate on a three-year cycle. Pursuant to that decision, a new Section 205.55 has been added, setting forth the criteria for approval of renewal applications received from grantees after their initial year of funding. The requirements for the content of renewal applications are contained in Section 205.40(c).

Finally, Section 205.80 has been amended to provide for timely notification of applicants as to the amount of their grant awards. This can only take place when the appropriation becomes final and the amount is made known to the State Board. As the actual distribution of the funds takes place according to an individual payment schedule negotiated as part of a project's approval, the title of the Section has also been changed from "Distribution" to "Notification" of Grant Awards.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Tom Grayson
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-6035

- 12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER e: INSTRUCTION

PART 205

TRUANTS' ALTERNATIVE AND OPTIONAL EDUCATION PROGRAMS

Section	
205.10	Definitions
205.20	Purpose
205.30	Eligible Applicants
205.40	Application Procedure and Content
205.50	Proposal Review and Approval Criteria - Initial Applications
205.55	Proposal Review and Approval Criteria - Renewal Applications
205.60	Allocation of Funds
205.70	Terms of the Grant
205.80	Distribution Notification of Grant Awards

AUTHORITY: Implementing and authorized by Section 2-3.66 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.66).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15978, effective October 18, 1985, for a maximum of 150 days; adopted at 11 Ill. Reg. 6418, effective March 31, 1987; amended at ___ Ill. Reg. ___, effective _____.

NOTE: Capitalization denotes statutory language.

Section 205.30 Eligible Applicants

Proposals for grant awards under Section 2-3.66 of The School Code may be submitted only by local school districts, educational service regions, or community college districts. Any combination of these entities may submit a joint proposal.

a) School districts must attach a copy of the Board of Education minutes which include a formally approved motion granting authority to submit the application. For other applicants, a letter from the chief executive officer or legal governing board endorsed by its president must be included indicating the authority to submit the application.

b) In each case a single entity must be designated as the administrative agent, and the chief executive officer of each participating agency must sign the proposal.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 205.40 Application Procedure and Content

a) The State Board of Education will issue a Request for Proposal (RFP) specifying the information which applicants must include in their proposal and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP, which shall provide at least forty-five (45) calendar days in which to submit proposals. Beginning with proposals which are approved for 1989-90, it is the intention of the State Board of Education to approve projects for a three-year period. Funding for the second and third years of operation, i.e., beginning with 1990-91, will be contingent on the availability of funds for the program and on the grantee's progress toward meeting its objectives (See Section 205.55).

b) Each initial proposal must provide the following information:

- 1) a description of the need for the programs contained in the proposal, including the number of persons eligible to be served in the truant's alternative program and for the optional education program;
- 2) a description of the goals for the project, which must include the establishment and/or expansion of one or more of the programs and services authorized in Section 2-3.66 of The School Code;
- 3) a description of the objectives to be achieved and the activities to be carried out in relation to the goals;
- 4) a schedule or flow chart covering at least one fiscal year and indicating the relationship between goals, objectives, and activities;
- 5) a description of how the applicant will assess the effectiveness of the project in relation to its goals and to the persons served by the project;
- 6) a description of the main task(s) of the administrative and other professional personnel to be assigned to the project;
- 7) a description of the number and type of persons to be served as authorized in Section 2-3.66 of The School Code and defined in Section 205.10 of this Part;
- 8) a proposed budget completed on a form to be provided by the State Board of Education.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) A Completed form "Truants' Alternative and Optional Education Program Demographic Information" and an abstract of the proposal (not more than 200 words).

2) Comprehensive Planning

A) The applicant is required to demonstrate preparedness to make specific efforts to utilize available school, social service agency, business and other regional and local community services. Coordination of program services involving personnel from school districts, social and community service agencies, business, parents or guardians, representatives of courts, staff advisory groups, and others having responsibilities for the welfare of children should be a major component of the proposed program. The applicant shall:

i) list all individuals involved in planning the proposed Truants' Alternative and Optional Education Program, identify the organization, agency or group each represents, and describe the nature and extent of his/her involvement; and

ii) describe in detail how the coordination of services for students at risk of school failure and/or dropouts will be carried out.

B) The applicant is required to describe in detail the nature and extent of existing truancy/dropout prevention services, including diagnostic, interventive, remediative services and educational options that are available for use in the area. This description shall include an indication of which services need to be expanded or are lacking and need to be established.

C) The geographic area to be covered by the proposed program must be identified, including a list of the participating school districts.

D) The qualifications of professional staff, including certification status and the duties of each, must be identified.

E) The applicant shall describe the facilities to be used by the program.

3) Remediative/Interventive Services, Educational Options, and Diagnostic Procedures

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

A) The applicant shall indicate intent to offer both a truancy/dropout prevention program, i.e., remediative, interventive and/or supportive services and an educational option, e.g., an academic and/or vocational curriculum, or to offer one of these programs, and shall describe such proposed program and services.

B) The applicant shall describe the diagnostic procedure(s) to be used to determine the cause(s) of a student's being at risk of school failure. These procedures shall include, but need not be limited to, an interview with the youth, consultation with the youth's parent(s) or guardian(s), a review of the youth's academic history and current educational functioning, and an assessment of the youth's learning environment. Persons who will be involved in the above diagnostic procedures, e.g., guidance counselors, regional diagnostic center personnel, school psychologists, social workers, case workers, or others, must be identified.

C) The applicant shall list the indicators which will be used to identify students at risk of school failure, potential dropouts and/or dropouts who will participate in the program. Specific criteria by which youth will be chosen to receive diagnostic, interventive or remediative services and/or educational options must be indicated.

4) Needs Assessment

A) The applicant shall describe the students' need for the proposed remediative/interventive services and/or educational option.

B) The need so described must be documented with current statistical and/or descriptive information/data.

5) Individualized Optional Education or Service Plans

The applicant shall describe the procedures for developing a written individualized optional education plan or service plan for each student. Procedures for the development of a written optional education or service plan shall include the involvement of the student, the student's parent(s) or legal guardian(s) unless the student is 18 or more years old, and the appropriate school officials. The plan must include:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Learning objectives or individual outcomes such as increased school attendance, course credit, graduation, gains in achievement level, or employment.
- B) assessment procedures to determine the degree to which the student is achieving his/her learning objectives or individual outcomes; and
- C) an appropriate time period during which the student is expected to achieve those objectives/outcomes.

6) Statement of Program Objectives

Specific objectives must be stated. Each objective must relate to the previously identified needs and must be stated in measurable terms.

7) Activity Statement(s)

A concise description of activities corresponding to each objective must be presented. Activity statements must include indications of:

- A) What will be done;
- B) When each activity will be implemented and completed;
- C) Who will conduct each activity; and
- D) Who will be served by each activity.

8) Evaluation DesignA) Formative Evaluation

The applicant shall describe the evaluation process for determining whether progress is being made toward achieving the program objectives.

B) Summative Evaluation

The applicant shall describe the evaluation process for determining success of the program. The evaluation must be designed so that it will document the services provided to individuals; report the degree to which the program completed its proposed objectives; and include qualitative data such as race and sex, as well as descriptive

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

statistics such as numbers served, attendance rates, and the degree to which truancy and/or chronic truancy was reduced, number of credits earned, number of students who graduated or successfully completed the G.E.D., and number of students who are employed.

9) Budget/Fiscal Information

The budget summary and payment schedule must be completed on the form provided. A budget breakdown, i.e., a detailed explanation of each line item of expenditure, must also be provided.

10) Assurances and Certification

The applicant shall submit the assurances and certification forms attesting to the following:

- A) The applicant has the necessary legal authority to apply for and to receive the proposed grant.
- B) The activities and services for which assistance is sought under this program will be administered by or under the supervision of the applicant.
- C) In planning the program proposed in the application, there has been, and in establishing and carrying out the program, there will be participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries.
- D) No funds received under the grant shall be used to supplant funds normally budgeted for the planning of services of the same type.
- E) The project will be operated in compliance with all applicable state and federal laws and with regulations and other policies and administrative issuances by the State Board of Education, including submission of such reports as may be required.
- F) The filing of the application has been authorized by the governing body of the applicant, and the applicant's representative has been duly authorized to file the application, and to otherwise act as the authorized representative of the applicant.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- G) The applicant has not been barred from bidding for the grant as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, pars. 33E-3, 33E-4).

11) e) School districts submitting a proposal to establish an optional education program individually or jointly must include in the proposal a copy of the policy adopted by their board(s) of education to establish such a program.

- c) Each proposal for renewal must contain at least the following:

- 1) a summative evaluation of the preceding year's program, documenting the services provided and describing the degree to which the grantee achieved its stated objectives;
- 2) updated information applicable to the activities proposed for the renewal period as called for in subsections (b)(1), (3), (6), (7), and (9);
- 3) for each of the items called for in subsections (b)(2), (4), (5), and (8), either updated information applicable to the renewal period or a statement that the information originally provided remains accurate;
- 4) a narrative statement relating the activities and objectives proposed for the renewal period to the evaluation results provided pursuant to subsection (c)(1); and
- 5) the assurances and certification forms referred to in subsection (b)(10), bearing a current signature and applicable to the renewal period.

- d) Each proposal must state who is to implement the proposed program, i.e., the educational agency or another not-for-profit entity under contract to the educational agency as authorized in Section 2-3.66 of The School Code. Such contracts shall contain specific provisions limiting the delivery of goods and services under them to those authorized under the terms of the grant award issued by the State Board of Education to the eligible applicant.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 205.50 Proposal Review and Approval Criteria - Initial Applications

- a) Proposals submitted in response to the Request for Proposal shall be evaluated in accordance with the following criteria.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Truancy/dropout services, including services for chronic truants, shall include preventive, diagnostic, interventive and remediative services, and shall have the following components:
 - A) a description of the procedures used to document the need for truancy/dropout prevention services and to develop the proposed program (This shall include identification of the individuals and/or groups involved in the process.);
 - B) procedures and criteria by which youth will be chosen to receive diagnostic, intervention and/or remediation services;
 - C) diagnostic procedure(s) to be used to determine the cause(s) of truancy or dropping out of school (These procedures shall include, but need not be limited to: an interview with the student, consultation with the student's parent(s) or guardian(s), a review of the student's academic history and current educational functioning, and an assessment of the student's learning environment.);
 - D) direct services aimed at preventing, overcoming or remediating the cause(s) of truancy or dropping out of school; and
 - E) procedures for assessing the effectiveness of prevention, diagnostic and remediation services.
- 2) Optional education programs shall have the following components:
 - A) a description of the procedures used to document the need for optional education services and to develop the proposed program (This shall include identification of the individuals and/or groups included in the process.);
 - B) procedures by which at-risk youth or dropouts will be identified for placement in the proposed optional education program;
 - C) procedures for developing individualized optional education plans (Such procedures shall include the involvement of the student, the student's parent(s), or legal guardian(s) unless the student is 18 or more years old, and the appropriate school officials.);
 - D) procedures for determining academic and/or vocational skills instruction to be provided;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) a description of the optional education program including student academic and/or vocational skills learning outcomes, time (full or part-time) that the student will participate in the program, and the location or setting of the program; and
- F) procedures for assessing the effectiveness of the optional education program in meeting the academic and/or vocational skills objectives of students as outlined in their individualized optional education plans.
- b) Information contained in proposals submitted in accordance with Section 205.40 of this Part will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.66 of The School Code and this Part.
- c) If the proposal is incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. Such applicants must supply the requested information within thirty (30) calendar days of their receipt of said notice.
- d) Complete program proposal applications will be reviewed and rank ordered by State Board staff on the basis of the following criteria and points:
- 1) The program proposal contains a statement of need, objectives and activities and an evaluation design, and complies with all other requirements requested in the Request for Proposal - 40 points.
 - 2) The program proposal demonstrates that the services to be provided are designed to prevent truancy and dropping out of school through diagnostic, intervention and/or remediation services; and/or are designed to meet the academic and/or vocational skills needs of at-risk students or dropouts who will be served by the program - 35 points.
 - 3) There is a need for the program/services, i.e., number and proportion of at-risk students, chronic truants, students dropping out of school, and dropouts in the geographic area to be served - 20 points.
 - 4) The program is cost-effective as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided - 5 points.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- e) The State Superintendent of Education will make final determinations in accordance with the criteria stated in subsection (d) of this Section.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 205.55 Proposal Review and Approval Criteria - Renewal Applications
Proposals submitted for a renewal period shall be evaluated in accordance with the following criteria:

- a) The evaluation of the previous year's project indicates that its stated objectives have been met and that the project has been conducted in conformance with the application approved by the State Superintendent of Education; or
- b) In instances where certain of a project's objectives have not been met, the grantee has described the relative status of each such objective, the reason(s) for incomplete achievement, and either
 - 1) the steps to be taken to ensure that the objective will be met during the renewal period, if the objective remains a valid part of the proposal for renewal, or
 - 2) if the grantee has determined that the objective should be deleted from its plan or altered in light of the previous year's experience, the grantee has provided its rationale for such deletion or change and has described how the program's goals for the renewal period will be met in light of the change.

(Source: Added at ___ Ill. Reg. ___, effective ___)

Section 205.70 Terms of the Grant

- a) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985 1987, ch. 127, par. 2301 et seq.).
- b) The time period of the grant shall run from September 1 of the calendar year or from a date to be negotiated through August 31 of the following calendar year.
- c) Successful applicants shall submit interim and final reports (by the end of February and the end of the grant period, respectively) specifying:
 - 1) diagnostic services provided;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) remediation or intervention services provided;
- 3) truancy prevention services/activities provided;
- 4) the extent to which program objectives have been accomplished;
- 5) descriptive statistics, i.e., attendance data; number of student contacts, home visits, number of referrals to social service agencies and other specialized services; and
- 6) any similar program-related information that the State Superintendent of Education may request upon 30 days' written notice.

- d) Recipients of grant awards shall maintain records on program and fiscal activities for a period of three years following the end of the grant period; however, if there are outstanding audit exceptions, records shall be retained until such exceptions are closed out. Such records include fiscal accounting for all monies in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual) and the program assessment and final report specified in subsection (c) of this Section. An audit report which includes a certified opinion and statement of receipts and disbursements compared to the approved budget must be submitted to the State Board no later than 45 days after the end of the contract period.

- e) The grantee may operate its own program or enter into a subcontract with another not-for-profit entity to implement the program. However, all program responsibilities are to be retained by the grantee to ensure compliance with the terms and conditions of the grant. All subcontracting must be documented and must have approval of the State Superintendent of Education. The following information is required if any subcontracting is to be utilized:

- 1) Name and address of subcontractor(s);
- 2) Need/purpose for subcontracting;
- 3) Measurable and time-specific services to be provided;
- 4) Associated costs, i.e., amount to be paid under the contract; and
- 5) Projected number of children to be served.

- f) All grant funds shall be used exclusively for the purposes stated in the approved proposal.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- g) Payments from the State Board of Education to grantees will be made according to a negotiated payment schedule. Payments will not vary from the schedule unless the quarterly reports show excessive cash on hand, at which time payments will be reduced proportionately. Amounts projected for each month are expected to be a reflection of need for that month and not simply the total budget divided by the number of months in the project. Following negotiations, contract budgets may be amended by completing an amendment to the budget summary and payment schedule form and attaching supplementary documentation showing variances and justifications. A budget amendment is necessary whenever an approved individual line item changes by more than \$500 or 10% (whichever is larger) from the approved budget.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 205.80 ~~Distribution~~ Notification of Grant Awards

Grant Notification of grant awards for approved proposals will be distributed made not later than ~~twenty-two~~ forty-five (45) calendar days after the ~~proposal-submission-date-specified-in-the-RFP-issued-pursuant-to-Section-205-40(a)-of-this-Part~~ amount of the appropriation for this program is determined.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Hearing Aid Consumer Protection Continuing Education Requirements

2) Code Citation:

77 Ill. Adm. Code 3000

3) Section Numbers:

3000.100
 3000.200
 3000.210
 3000.230
 Appendix B

Proposed Action:

Amendments
 Amendments
 Amendments
 Amendments

4) Statutory Authority:

Hearing Aid Consumer Protection Act
 Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The "Illinois Hearing Aid Consumer Protection Act", effective July 1, 1984, requires the Department of Public Health to develop and administer a hearing aid consumer protection program to protect the hearing impaired from incompetent and dishonest hearing aid dispensing practices which could endanger the health, safety and welfare of the People of Illinois.

The Department of Public Health is required to promulgate all necessary rules and regulations for proper implementation and administration of the Act. Rules and regulations for the administration of the Hearing Aid Consumer Protection Act (77 Ill. Adm. Code 682--Hearing Aid Consumer Protection Code) were adopted at 11 Ill. Reg. 7690, effective April 15, 1987.

Section 17 of the Act requires that the Hearing Aid Consumer Protection Board, by rule, establish minimum standards of continuing education for renewal of a hearing aid dispenser's certificate. The Hearing Aid Consumer Protection Code (77 Ill. Adm. Code 682) was amended and Subpart G Continuing Education was added. Subpart G of these amended rules contains reference to the location of the Board's rules for minimum standards of continuing education for certificate renewal--"Hearing Aid Consumer Protection Continuing Education Requirements" (77 Ill. Adm. Code 3000). The Board's rules, Hearing Aid Consumer Protection Continuing Education Requirements, were adopted at 12 Ill. Reg. 4707, effective February 22, 1988.

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☐9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒

If Yes:

Section NumbersProposed ActionIll. Reg. Citation10) Statement of Statewide Policy Objectives:

Please specify:

The proposed rules allow the Department to carry out its legal mandate of protecting the hearing impaired public from incompetent and dishonest dispensers of hearing aids.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Service sector providing continuing education courses; excluding ASHA and NHAS approved courses.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Requires submittal of application.

D) Types of Professional Skills Necessary for Compliance:

Supervisory/professional personnel.

The full text of the Proposed Amendments begins on the next page:

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XIV: HEARING AID CONSUMER PROTECTION BOARD

PART 3000

HEARING AID CONSUMER PROTECTION CONTINUING EDUCATION REQUIREMENTS

Section	Definitions
3000.100	Approved Continuing Education Courses
3000.200	Responsibilities of Course Sponsors
3000.210	Board
3000.220	Dispenser Responsibilities
3000.230	

Appendix A Course Sponsor Application Form

Appendix B Participant's Registry Card

AUTHORITY: Implementing and authorized by the Hearing Aid Consumer Protection Act (111. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq., in particular par. 7417).

SOURCE: Adopted at 12 Ill. Reg. 4707, effective February 22, 1988; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 3000.100 Definitions

"Advanced Track" means the material is designed for those dispensers who have been dispensing for a minimum of five years.

"Act" means the Hearing Aid Consumer Protection Act (111. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq.)

"Beginning Track" means the material is general and requires no experience or knowledge in hearing aid dispensing.

"BOARD" MEANS THE HEARING AID CONSUMER PROTECTION BOARD. (Section 3(h) of the Act)

"Course Sponsor" means any person, school, association, company, corporation or group applying to provide a continuing education course.

"Critical Issues Track" means the material is designed to present new issues or trends in the hearing aid industry.

"Intermediate Track" means the material is designed for those dispensers who have been dispensing for a minimum of three years.

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

"One Contact Hour" means a 50-minute classroom instructional laboratory or practicum session.

"One Continuing Education Unit (CEU)" means ten contact hours of participation in a continuing education course.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

3000.200 Approved Continuing Education Courses

a) Continuing education courses shall be offered in the following areas: acoustics; nature of the ear (normal ear, hearing process, disorders of hearing); hearing measurement; hearing aid technology; selection of hearing aids; federal and state laws/regulations regarding dispensing of hearing aids and ethical practices.

b) Only Continuing Education Units approved by the Department, the American Speech-Language-Hearing Association (ASHA) or the National Hearing Aid Society (NHAS) shall be applied towards meeting the minimum requirements set forth in Section 3000.230. Sponsors other than ASHA and NHAS shall send the Department the following material prior to a course being offered when the Department approves the continuing education courses: the procedures and criteria used to approve Continuing Education courses, a roster of the approved courses containing the name of the instructor(s), the location of the course, and the number of CEU's or contact hours assigned to the course.

c) Only Continuing Education Units completed subsequent to the effective date of this rule shall be applied to the minimum requirements as set forth in Section 3000.230 of this Act.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 3000.210 Responsibilities of Course Sponsors

a) A course sponsor shall be responsible for obtaining prior approval from the Department, the ASHA or the NHAS for continuing education courses.

b) The course sponsor, or an individual applying for a course sponsor, shall forward a completed application package to the Department. The completed package shall consist of the following materials:

- 1) The Course Sponsor Application Form (See Appendix A) shall contain the following: the course sponsor's name, address

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF PROPOSED AMENDMENTS

and phone number; the title of the CEU course, the number of CEUs to be awarded, and the dates the course will be given; the name of the instructor(s); the location of the course(s); and the Track designation (Beginning, Intermediate Advanced, or Critical Issues);

2) The educational objective(s) of the course typed and double spaced;

3) The course description, which shall be typed, double spaced, and not exceed 600 words in length;

4) The course agenda, which shall include the amount of time required to meet the course objectives. Specific times shall be provided for lecture, practicums, discussions, introductions, breaks, and lunches. Introductions, breaks, and lunches shall not be applied toward calculating contact hours on CEU's;

5) The course sponsor's evaluation form to be completed by the participants; and

6) All course instructor(s) vitae containing experiential and educational background.

c) The course sponsor shall sign and date the Course Sponsor Application Form.

d) The course sponsor shall anticipate a 60 day review process. Following approval of a course, the course sponsor shall notify the Department of any changes in the course content or instructors prior to the course offering. Upon such notification, the Board will review the changes in course content or instructors in accordance with Section 3000.220.

e) SPONSORS OF CONTINUING EDUCATION COURSES SHALL PROVIDE SUCH INFORMATION AS MAY BE REQUIRED BY RULE AND SHALL PAY A FEE OF \$150 PER COURSE.

f) COURSES CERTIFIED OR APPROVED FOR CONTINUING EDUCATION BY THE NATIONAL HEARING AID SOCIETY OR THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION SHALL BE EXEMPT FROM SUCH FEE AND COMPLIANCE WITH SUCH COURSE FILING REQUIREMENTS AS SPECIFIED BY RULE.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 3000.230 Dispenser Responsibilities

a) For Department approved courses, the dispenser shall obtain a Participant's Registry Card (See Appendix B) from the Department. The Participant Registry Card shall be completed by the dispenser, signed by the course instructor, and sent to the Department. The Participant Registry Card consists of the participant's name, certificate identification number, name of business, business address, course name, date, site, participant's signature, and the instructor's signature.

b) For ASHA approved courses, the dispenser shall have a transcript of the CEU sent directly to the Department by ASHA.

c) For NHAS approved courses, the dispenser shall have an official certificate of completion forwarded to the Department by NHAS.

d) Dispensers with certificate expiration dates, which occur within the first 12 months subsequent to the effective date of these Rules, shall not be required to obtain Continuing Education Units for the purpose of certificate renewal.

e) A minimum of 1.0 CEU shall be obtained by dispensers who have certificates which expire from twelve months to twenty-four months subsequent to the effective date of these Rules, in order to have the certificate renewed.

f) A minimum of 2.0 CEUs shall be obtained by dispensers who have certificates which expire twenty-four months subsequent to the effective date of these Rules, in order to have the license certificate renewed every two years.

g) Thirty days prior to a license certificate expiration date, the dispenser shall verify, via the procedures set forth in subsection (a), (b) or (c), the total number of CEUs obtained subsequent to license certificate renewal.

h) The dispenser shall obtain the required CEUs before the license certificate is renewed.

i) CEUs shall not be applied to the dispenser's license certificate renewal for the same course more than once between license certificate renewals.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 3000. Appendix B Participant's Registry Card
Hearing Aid Consumer Protection Program Continuing Education
PARTICIPANT'S REGISTRY CARD
(Please Print)

PARTICIPANT'S NAME: _____ (Last, First and initial)

LICENSEGERT. ID #: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: _____

City _____ State _____ Zip _____

COURSE NAME: _____

COURSE SITE: _____ DATE: _____

I hereby certify that I have attended the entire program of instruction for which continuing education hours are being awarded.

I fully understand that misrepresentation of continuing education attendance is a violation of the Hearing Aid Consumer Protection Act.

The number of Continuing Education Units awarded: _____

Return this card to the course instructor. Failure to comply will result in your not receiving the above CEU award.

Participant's Signature: _____ Date: _____

Instructor's Signature: _____ Date: _____

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3) Section Number: Proposed Action:
754.EXHIBIT B Amendment
- 4) Statutory Authority: Implementing Articles VII-A and XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 735A) and authorized by Section 401(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).
- 5) A Complete Description of the Subjects and Issues Involved:
Exhibit B to Part 754 sets forth statistical information that insurance companies writing private passenger automobile insurance must file with the Illinois Department of Insurance. The amendments to Exhibit B update the coverage and type of automobile information requested in the comparison and also more evenly distributes the geographical areas within the State for which information is requested.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Persons interested in commenting on this proposed amendment may do so in writing within 45 days of publication of the proposed amendment in the Illinois Register. Please direct written comment to:

Timothy M. Cena
 Illinois Department of Insurance
 100 W. Randolph, Suite 15-100
 Chicago, Illinois 60601

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis: Not applicable in that the Department has determined that these amendments do not effect small business as that term is defined in Section 3.10 of the Illinois Administrative Act (Ill. Rev. Stat. 1987, ch. 127, par. 1003.10).

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY
- 2) Code Citation: 32 Ill. Adm. Code 401
- 3) Section Number:
 401.10
 401.20
 401.30
 401.50
 401.70
 401.80
 401.100
 401.130
 401.140
 401.150
- Proposed Action:
 Amendment
 Amendment
 Amendment
 Amendment
 Amendment
 Amendment
 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4, 4.1, 4.2 and 9 of the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 214, 214.1, 214.2 and 219, as amended by P.A. 86-0830, effective September 7, 1989, P.A. 86-0940, effective October 31, 1989, P.A. 86-0945, effective November 1, 1989, and P.A. 86-0943, effective January 1, 1990).
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing these amendments to: (1) implement P.A. 86-0830, which changes the name of the Radiologic Technology Accreditation Board to Radiologic Technologist Accreditation Advisory Board and changes the fees for accreditation after December 31, 1990; (2) implement P.A. 86-0943, which exempts from the radiologic technologist accreditation requirements those individuals who are employees of a medical facility which is owned and operated by a business, when the radiation is administered to employees of the business; (3) implement P.A. 86-0945, which exempts from the accreditation requirements any person, nurse, technician, or other assistant licensed under the Podiatric Medical Practice Act of 1987 from the accreditation requirements; (4) implement P.A. 86-0940, which requires the Department to accredit technologists based upon experience and skill in the field of administering radiation to human beings obtained prior to July 1, 1989; (5) specify in the rules that persons licensed to practice a treatment of human ailments by virtue of the Illinois Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 are exempt from the accreditation requirements; (6) provide a definition of bone densitometry and to specifically include bone densitometry among those procedures that may be performed by medical radiographers and nuclear medicine technologists; and (7) clarify that Conditional Accreditation Type II Credential (accreditation based on experience) is valid for two years.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking will not require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
 Betsy Salus
 Senior Staff Attorney
 Department of Nuclear Safety
 1035 Outer Park Drive
 Springfield, Illinois 62704
 (217) 785-9880
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 21, 1989
- B) Types of small businesses affected: These rules will have a direct impact on small medical practices that employ radiologic technologists to administer radiation to humans in accordance with Section 4 of the Radiation Protection Act, Ill. Rev. Stat., ch. 111½, par. 214.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: Competence in radiologic technology obtained either through training or experience is necessary for compliance with this rule.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY

Section	Policy & Scope
401.10	Definitions
401.20	Exemptions
401.30	Application for Accreditation
401.40	Categories of Accreditation
401.50	Examination Requirements
401.60	Acceptable Examinations
401.70	Approved Program
401.80	Practice Requirement - Initial Licensure (Repealed)
401.90	Initial Issuance of Accreditation
401.100	Duration of Accreditation
401.110	Suspension and Revocation of Accreditation
401.120	Fees
401.130	Requirements for Renewal of Accreditation
401.140	Reciprocity
401.150	Minimum Course of Education (Repealed)
401.160	Civil Penalties

AUTHORITY: Implementing and authorized by Sections 4, 4.1, 4.2 and 9 of the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 214, 214.1, 214.2 and 219, as amended by P.A. 86-0830, effective September 7, 1989, P.A. 86-0940, effective October 31, 1989, P.A. 86-0945, effective November 1, 1989, and P.A. 86-0943, effective January 1, 1990).

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; Emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086 effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; Emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at ____ Ill. Reg. ____, effective ____.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

Section 401.10 Policy and Scope

a) The rules of this part establish education This Part establishes educational standards and an accreditation program for applicable to persons who apply ionizing radiation to human beings. They include Specifically, this Part provides:

- 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology, and chiropractic radiography, and pediatric radiography.
- 2) Examination requirements for certain categories of accreditation.
- 3) Continuing education requirements for renewal of accreditation.
- b) The Rules of This Part 401 shall apply to any person who applies ionizing radiation to human beings for diagnostic or therapeutic purposes in this State or who otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30. These Rules This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students for purposes of instructing them while applying ionizing radiation to human beings.

c) The Board may propose to the Department of Nuclear Safety such regulations as it deems to be appropriate for purposes of fulfilling the policy and scope of the accreditation program.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

"Accreditation" - The process by which the Department of Nuclear Safety grants permission to persons meeting the requirements of this Act and the Department's rules and regulations to engage in the practice of administering radiation to human beings.

"Act" - The Radiation Protection Act (Ill. Rev. Stat. 1985 1987, ch. 111½, pars. 211 et seq.).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

"Administers Ionizing Radiation" - see "Applies Ionizing Radiation"

"Applies Ionizing Radiation" - The act(s) of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks which have a direct impact on the radiation burden of the patient, e.g.: Positioning of the patient, film and beam; preparation, calibration, and injection of radiopharmaceuticals; imaging or laboratory techniques which if performed improperly would result in the re-administration of radiation; selection of technique or treatment parameters.

"Approved Program" - A program which the Department has determined is adequate to prepare students to meet the education requirements prescribed in 42 CFR 75.3 Appendix A, D, and E (1983), exclusive of subsequent amendments or editions. A copy of 42 CFR 75.3 is available for inspection at the Department's offices, 1035 Outer Park Drive, Springfield, IL.

"Board" - The Radiologic Technology Technologist Accreditation Advisory Board (R.T.A.A.B.).

"Bone Densitometry" - A diagnostic technique to determine the relative density of specific tissues or body parts. Bone densitometry may be accomplished using either a radiation machine or a sealed radioactive source.

"Chiropractic Radiographic Assistant" - A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the supervision of a licensed chiropractor.

"Chiropractic Radiography" - The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Credentiaiting" - Means any process whereby a State government or non-governmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

"Department" - Means the Illinois Department of Nuclear Safety.

"Direct Supervision" - An individual is in the physical presence of a licensed practitioner or medical radiation technologist who holds active status accreditation and assists, evaluates and approves of the individual's performance of the various tasks involved in the application of ionizing radiation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

"Director" - Means the Director of the Department of Nuclear Safety.

"Ionizing Radiation" - Means gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

"~~Isolated~~ In vitro" - Isolated from the living organism.

"~~Isolated~~ In vivo" - Occurring within the living organism.

"Licensed Practitioner" - A person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.

"Medical Radiation Technology" - The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes. The five specialized disciplines of Medical Radiation Technology are Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, and Podiatric Radiography.

"Medical Radiographer" - A person, other than a licensed practitioner, who performs medical radiation procedures and, while under the supervision of a licensed practitioner, applies x-radiation to any part of the human body for diagnostic purposes while under the supervision of a licensed practitioner or performs bone densitometry procedures.

"Medical Radiography" - The science and art of applying x-radiation to human beings for diagnostic purposes.

"Nuclear Medicine Technologist" - A person, other than a licensed practitioner, who, while under the supervision of a licensed practitioner, performs ~~in vivo~~ in vivo and ~~in vitro~~ in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes while under the supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials. A nuclear medicine technologist may also perform bone densitometry procedures under the supervision of a licensed practitioner.

"Nuclear Medicine Technology" - The science and art of ~~in vivo~~ in vivo and ~~in vitro~~ in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

"Pediatric Radiographic Assistant" - A person other than a licensed practitioner who performs pediatric radiography while under the supervision of a licensed pediatricist.

"Pediatric Radiography" - The science and art of applying x-radiation to the lower leg, ankle, and foot, of the human body for diagnostic purposes in Pediatrics.

"Radiation Therapy Technologist" - A person, other than a licensed practitioner, who performs procedures and applies x-radiation and the ionizing radiation emitted from x-ray machines, particle accelerators, and or sealed radioactive sources to human beings for therapeutic purposes while under the supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" - The science and art of applying x-radiation and the ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

"Supervision" - Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Department shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:
 - 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the supervision of a licensed practitioner.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

2) A person licensed to practice a treatment of human ailments by virtue of the Illinois Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987.

23) A person employed as a dental assistant who performs dental radiography for a licensed dentist.

4) A technician, nurse or other assistant who performs radiography under the supervision of a person licensed under the Podiatric Medical Practice Act of 1987.

35) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) during such time as that person is under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited.

6) A nurse, technician, or other assistant who, under the supervision of a person licensed under the Illinois Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 401.50 Categories of Accreditation

- a) The Department shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:
 - 1) Medical Radiography;
 - 2) Nuclear Medicine Technology;
 - 3) Radiation Therapy Technology;
 - 4) Chiropractic Radiography;
 - 5) Pediatric Radiography.
- b) The Department shall recognize three status conditions for any category of accreditation as follows:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- 1) Active - An applicant who meets the requirements as set forth in Section 401.100(a).
- 2) Temporary - An applicant who meets the requirements as set forth in Section 401.100(b).
- 3) Conditional - An applicant who meets the requirements as set forth in Section 401.100(c), or (d).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 401.70 Acceptable Examinations

- a) The Department shall accept for, issuance of Active Status Accreditation, examinations as identified by this Section. Accreditation shall be specific to the category of examination as specified in subsection (b) of this Section.
- b) Examinations as appropriate to category of accreditation are as follows:

1) Medical Radiography

- The American Registry of Radiologic Technologists (R) (A.R.R.T.).

2) Nuclear Medicine Technology

- The American Registry of Radiologic Technologists (N) (A.R.R.T.), the Nuclear Medicine Technology Certification Board (N.M.T.C.B.), the American Society of Clinical Pathologists (NM) (A.S.C.P.).

3) Radiation Therapy Technology

- The American Registry of Radiologic Technologists (T) (A.R.R.T.).

4) Chiropractic Radiography

- American Chiropractic Registry of Radiologic Technologists (ACRRT), provided that the examination was administered after June 30, 1984.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

5) Pediatric Radiography

- The examination in Pediatric Radiography shall include questions on: Radiation Safety, Radiographic Technique, Pediatric Procedures and related Anatomy, Physics, Terminology, and Film Processing. The examination must be approved by the Department and may be a comprehensive final examination at the closure of training, provided that the examination satisfies the requirements of this subsection. Department approval will be granted in accordance with subsection (c).

- c) Examinations by other certifying organizations shall be accepted upon written request to the Department, provided that the Department finds that the certifying organization has met the National Commission for Health Certifying Agencies (NCHCA) requirements. (Publication Title: Perspectives on Health Occupational Credentialing) Contract # 232-78-0187, dated September 30, 1979, DHHS Publication No. (HRA) 81-4, U.S. Government Printing Office, Washington, D. C. 20402.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 401.80 Approved Program

- a) The Department shall base its approval of didactic and clinical education for Medical Radiography, Nuclear Medicine Technology, or Radiation Therapy Technology on the standards accepted by the Committee on Allied Health Education and Accreditation (CAHEA). (Specific information concerning these standards is available from the Committee on Allied Health Education and Accreditation of the American Medical Association and from the Department. These standards are entitled: Essentials and Guidelines of an Accredited Education Program for the Radiation Therapy Technologist (1983); Essentials and Guidelines of an Accredited Educational Program for the Radiographer (1983); Essentials of an Accredited Educational Program for the Nuclear Medicine Technologist (1984), and do not include subsequent amendments or editions).
- b) The Department shall base its approval of didactic and clinical education in Chiropractic Radiography on the standards accepted by the Chiropractic Council on Education (CCE), published January 27, 1985, exclusive of subsequent amendments or editions. Specific information concerning these standards is available from the Department or from the Chiropractic Council on Education, 3209 Ingersoll Avenue, Des Moines, Iowa 50312. Student exemption for persons enrolled in an approved Chiropractic Radiography program shall not exceed 12 months.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- e) The Department shall base its approval of didactic and clinical education in Pediatric Radiography on standards which have been adopted by the Department, entitled, "Curriculum for the Accreditation of Pediatric Radiography Assistants", September 16, 1987, exclusive of subsequent amendments or editions. Copies of these standards are available from the Department, or from the Illinois Pediatric Medical Association, 605 North Lake Shore Drive, Suite 5506, Chicago, Illinois 60611. Pediatric Radiography training shall not exceed 6 months for the purpose of student exemption.
- (Source: Amended at Ill. Reg. _____, effective _____)
- Section 401.100 Initial Issuance of Accreditation

- a) The Department shall issue Active Status Accreditation in a category of medical radiation technology to persons who have passed an examination as indicated in Section 401.70(b). Active Status Accreditation issued after January 1, 1988, shall be valid for two years from the date of issuance.

b) Temporary Accreditation

- 1) The Department shall issue Temporary Accreditation in a category of medical radiation technology and chiropractic radiography to persons who are awaiting an examination in accordance with Section 401.70(b) and have completed an approved program.

Applicants for Temporary Accreditation must provide specific evidence of the intent to take such an examination, the category of examination to be taken, and the date on which the examination will be taken. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination. Temporary Accreditation shall be valid until such time as the individual successfully completes the appropriate examination and applies for and is issued Active Status Accreditation in accordance with subsection (a), but in no instance longer than twenty-four (24) months from the date of issuance for medical radiation technology and no longer than twelve (12) months from the date of issuance for chiropractic radiography.

- 2) The Department will not issue Temporary Accreditation in pediatric radiography.

- c) The Department shall issue Conditional Accreditation Type I in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Department will consult Health Systems Agencies or County or Local Health Departments, and will

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

evaluate the availability of alternative radiology services and trained personnel. In addition, the Department shall require the applicant's employer or prospective employer to demonstrate that recruitment of qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration can take the form of documented advertising in publications intended to reach radiologic technologists. If based on the information submitted, the Department determines that qualified personnel cannot be recruited, and that the people in the locality in which the conditional accreditation is sought would be denied adequate health care because of the unavailability of appropriately accredited persons, the Department shall issue Conditional Accreditation Type I which shall be valid for a period of twenty-four (24) months from the date of issuance.

d)

The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, during not less than twenty-four (24) of the forty-eight (48) months immediately preceding January 1, 1984 prior to July 1, 1989, was employed in medical radiation technology and who otherwise does not meet the qualifications for accreditation. Conditional accreditation under this provision shall not be issued to any applicant whose application is filed after August 31, 1988. An application is filed on the date that it is actually received by the Department or on the date it is postmarked by the United States Postal Service, whichever is earlier. The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, during not less than three (3) years prior to January 1, 1980 and during not less than twelve (12) months between January 1, 1980 and December 31, 1988, inclusive, was employed in medical radiation technology and who otherwise does not meet the qualifications for accreditation. Conditional accreditation issued pursuant to this Section shall be valid for five two years from date of issuance. Issuance shall be contingent upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. Persons who hold a two-year license (which was issued pursuant to subsection (f) as adopted at 7 Ill. Reg. 17318, effective January 1, 1984), or a two-year accreditation (which was issued pursuant to subsection (d)), and as specified in this adopted Part), shall have that credential extended for three years, without fee, upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Department in accordance with this Section shall specify the nature of the equipment and procedures which the individual is competent to utilize. The Statement of Assurance must be provided by a licensed practitioner under whose supervision the individual is employed or has been employed at some time within the last twelve months. Conditional accreditation which

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

is issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. An individual who is accredited in accordance with this Section may expand the accreditation to additional procedures and/or equipment by receiving training in accordance with Section 401.30(c)(3). After such training, the individual may submit an additional Statement of Assurance from a licensed practitioner under whose supervision the individual is employed as to the additional equipment and procedures which the individual is competent to utilize. However, an individual may not become accredited pursuant to these provisions of this Section for equipment or procedures outside of those in the category of initial accreditation. Nothing in this Section should be interpreted to limit an individual's right to make application for and be issued Active Status Accreditation in accordance with subsection (a).

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 401.130 Fees

- a) The fees for accreditation in all categories shall be non-refundable and shall be as follows:

1) For applications filed before January 1, 1991:

1) A) Initial Accreditation - Active, Conditional or Temporary Status: \$30.00 per application

2) B) Renewal of Accreditation - Active and Conditional Status: \$30.00 per application

2) For applications filed on or after January 1, 1991:

A) Initial Accreditation - Active, Conditional or Temporary Status: \$40.00 per application

B) Renewal of Accreditation - Active and Conditional Status: \$40.00 per application

- b) The appropriate fees are to accompany the application when filing with the Department. An application is filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service, whichever is earlier.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 401.140 Requirements for Renewal of Accreditation

a) Prerequisites

- 1) An individual must make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period. An individual may not legally perform medical radiation technology without valid accreditation. Nothing in this Section shall be interpreted to preclude an individual from seeking the renewal of lapsed accreditation.

- 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130. Submission of an application for renewal shall hold the prior accreditation valid until such time as the Department acts to grant or deny renewal of accreditation. The Department will grant or deny renewal of accreditation within ninety (90) days of receipt of application for renewal.

b) Continuing Education Requirements

All applicants for renewal of accreditation, regardless of the category or status of accreditation sought to be renewed, must provide evidence of having participated in an approved program of continuing education as indicated below:

- 1) The required effort in continuing education per year for each category of medical radiation technology, applicable to each year elapsed since the most recent date of issuance of accreditation is as follows:

A) Radiography	12 units
B) Nuclear Medicine Technology	12 units
C) Radiation Therapy Technology	12 units
D) Chiropractic Radiography	12 units
E) Pediatric Radiography	4 units

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- 2) The continuing education effort may be averaged during the period to which the requirement applies and shall be prorated by month. Individual courses may be applicable to more than one category of accreditation. The Department will base its approval on the relevance of the course work or training to the category or categories of current accreditation. In establishing relevancy, the Department will use standards such as are accepted by Verification of Involvement in Continuing Education (V.O.I.C.E.), Evidence of Continuing Education (E.C.E.), Continuing Medical Education (C.M.E.), and Continuing Education Units (C.E.U.). The Department will also accept relevant course work from accredited colleges and universities to satisfy this requirement.
- 3) Credit for continuing education other than as indicated above shall be granted by the Department if the individual or activity sponsor seeks approval of the course or activity and the Department finds that the course or activity will be consistent with courses approved in accordance with Section 401.140(b)(1).
- 4) The basis for a unit of continuing education credit shall be the contact hour (50 minutes) of lecture. Activity other than lecture shall be approved for credit by the Department based upon the standards of subsection (b)(2).
- c) Nonrenewal of Accreditation
 - 1) The Department shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.
 - 2) If the Department does not find satisfactory evidence that the individual meets these requirements, the Department shall, within ninety (90) days of receipt of the application for renewal of accreditation, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the area(s) of deficiency and the individual's rights as set forth in this Section.
 - 3) The individual may, within fifteen (15) days of the date of receipt of the Notice of Intent Not to Renew Accreditation, resubmit an application for renewal of accreditation which provides additional information to the Department in order to

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

- establish that the identified area(s) of deficiency have been met or corrected. The Department shall act upon such resubmission within thirty (30) days of receipt. Submission of such an application shall hold the prior accreditation valid until the Department acts on the application.
- 4) After receipt of a Notice of Intent Not to Renew Accreditation in accordance with subsections (2) or (3), the individual may request a hearing. Such request must be made within thirty (30) days of the date of receipt of the Notice of Intent Not to Renew Accreditation. The hearing shall be held in accordance with 32 Ill. Adm. Code 200, except that the applicant shall have the burden of proof of establishing that he/she has met the necessary qualifications for renewal of accreditation. Submission of a request for a hearing shall hold the prior accreditation valid until the individual's receipt of a decision pursuant to the hearing.
- 5) If the applicant does not request a hearing within thirty (30) days of receipt of a Notice of Intent Not to Renew Accreditation in accordance with subsections (2) or (3), the Department shall issue a Notice of Nonrenewal.
- 6) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Nonrenewal pursuant to subsection (5) or a decision issued after a hearing in accordance with subsection (4) of this Section.
- 7) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. Such application shall be reviewed and processed in accordance with the requirements of this Section except that an individual may not legally apply ionizing radiation to human beings until and unless the Department has acted to grant such application for renewal of accreditation.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 401.150 Reciprocity

The Department shall accredit an out-of-state applicant provided that:

- a) The applicant holds a current credential as a Medical Radiographer, Nuclear Medicine Technologist, Radiation Therapy Technologist, Chiropractic Radiographic Assistant or Podiatric Radiographic Assistant issued by another state or jurisdiction; and

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

- b) The standards and procedures for credentialing in the state or jurisdiction which issued the credential afford the same or comparable credentialing standards as those afforded by the Illinois statute and regulations; and
- c) The applicant presents the credential to the Department; and
- d) The applicant submits the \$30.00 appropriate application fee in accordance with Section 401.130.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: REGISTRATION OF RADON DETECTION AND MITIGATION SERVICES
- 2) Code Citation: 32 Ill. Adm. Code 420
- 3) Section Number:
420.10 New Section
420.20 New Section
420.30 New Section
420.40 New Section
420.50 New Section
420.60 New Section
420.70 New Section
420.80 New Section
- 4) Statutory Authority: Implementing and authorized by "AN ACT in relation to radon testing" (P.A. 86-0235, effective January 1, 1990).
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this rule to implement the provisions of P.A. 86-0235. This Part will establish standards and procedures for the registration of persons who sell devices or perform services to detect the presence of radon or radon progeny.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 21, 1989
- B) Types of small businesses affected: The Department believes that these rules may affect small businesses that provide radon detection and mitigation services.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
- D) Types of professional skills necessary for compliance: In order to comply with the registration requirements of this Part, an individual will have to be skilled in the performance of radon measuring. Persons, other than individuals, e.g., firms who perform radon mitigation services, will also need skilled radon mitigation workers in order to comply with the provisions of this Part.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 420
REGISTRATION OF RADON DETECTION AND MITIGATION SERVICES

Section

420.10 Policy and Scope

420.20 Definitions

420.30 Exemptions

420.40 Application for Registration

420.50 Issuance of Registration and Provisional Registration Certificates

420.60 Fees

420.70 Suspension and Revocation of Registration

420.80 Civil Penalties

AUTHORITY: Implementing and authorized by "AN ACT in relation to radon testing" (P.A. 86-0235, effective January 1, 1990).

SOURCE: Adopted at ___ Ill. Reg. ___, effective _____.

Section 420.10 Policy and Scope

- a) This Part establishes standards and procedures for registration of persons who perform any service to detect the presence of radon or radon progeny.

- b) This Part shall apply to any person who sells devices or who performs services for compensation to detect the presence of radon or radon progeny in the State, unless specifically exempt under AN ACT in relation to radon testing (P.A. 86-0235) or under Section 420.30.

- c) This Part shall apply to persons who are not appropriately licensed under other statutes or regulations or who supervise students or apprentices for purposes of instructing them how to perform radon detection services.

Section 420.20 Definitions

As used in this Part, the following definitions apply:

"Act" means AN ACT in relation to radon testing (P.A. 86-0235, effective January 1, 1990).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

"Certificate of Registration" means the certificate issued by the Department as evidence that a person satisfies the requirements for registration or provisional registration.

"Department" means the Illinois Department of Nuclear Safety.

"Individual" means a natural person, i.e., a person that is not a governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or other legal entity.

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or other legal entity.

"Provisional Registration" means the registration granted by the Department which authorizes an individual, while under the supervision of a registered individual, to perform services to detect the presence of radon.

"Radon" means any of the gaseous radioactive decay products of uranium or thorium.

"Radon progeny" means any combination of the radioactive decay products of radon.

"Registration" means the registration granted by the Department which authorizes a person to perform services to detect the presence of radon.

Section 420.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Department shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) The following persons are exempt from the registration requirements of this Part:
 - i) an Associate of Arts degree in a physical or biological science and 2 years of relevant radiological safety, environmental sampling, or industrial hygiene experience;
 - ii) an Associate of Arts degree in a physical or biological science and 2 years of relevant radiological safety, environmental sampling, or industrial hygiene experience;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 1) Persons who sell or distribute, but who do not place, radon sampling devices supplied by a laboratory, but only if the results of the laboratory analysis are reported directly to the owner or occupant of the building sampled; and
- 2) Persons who manufacture or analyze, but who do not place, radon sampling devices, but only if the results of the laboratory analysis are reported directly to the owner or occupant of the building being sampled.

Section 420.40 Application for Registration

Any person applying for provisional registration, initial registration, or renewal of registration must submit a complete and legible application form, must pay the fee prescribed in Section 420.60, and must provide evidence that he or she has met the requirements for provisional registration, initial registration, or renewal of registration.

Section 420.50 Issuance of Registration and Provisional Registration Certificates

a) Registration

- 1) Except as provided in subsection (c), the Department shall register and shall issue a Certificate of Registration to:
 - A) Any individual who has:
 - i) performed at least 25 procedures involving measurement of radon or radon decay products and interpreting the results of such measurements; and
 - ii) at least 4 years of relevant radiological safety, environmental sampling, or industrial hygiene experience;
 - B) Any individual who has:
 - i) performed at least 25 procedures involving measurement of radon or radon decay products and interpreting the results of such measurements; and
 - ii) an Associate of Arts degree in a physical or biological science and 2 years of relevant radiological safety, environmental sampling, or industrial hygiene experience;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- C) Any individual who has:
- i) performed at least 25 procedures involving measurement of radon or radon decay products and interpreting the results of such measurements; and
 - ii) a Bachelor of Arts degree in a physical or biological science or engineering or a Bachelor of Science degree in a physical or biological science or engineering;
- D) Any person other than individual, (e.g., a partnership, firm or company) who employs at least one individual, registered in accordance with subsection (a)(1)(A), (B) and (C) above, provided that the registered individual will direct and be responsible for all radon testing activities undertaken by the person and provided further that the registered individual will personally review and approve all test results before they are disclosed to the client.
- 2) The registration issued pursuant to subsection (a)(1)(A), (B) and (C) shall be valid for a period of 2 years. Registration issued pursuant to subsection (a)(1)(D) shall be valid for one year.
- b) Provisional Registration
- 1) Except as provided in subsection (c), the Department shall register, and shall issue a Certificate of Provisional Registration to, any individual who:
 - A) has satisfied the following:
 - i) the requirements of subsection (a)(1)(A)(ii);
 - ii) the requirements of subsection (a)(1)(B)(ii); or
 - iii) the requirements of subsection (a)(1)(C)(ii); and
 - B) will be working under the direct supervision of an individual who is registered with the Department pursuant to subsection (a).
 - 2) The application for provisional registration must include a statement from the supervising individual that he or she will provide direct supervision to the applicant in the selling of radon detection devices or performance of radon detection services.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 3) The provisional registration issued pursuant to this subsection shall be valid for a period of 8 months.
 - c) The Department shall deny registration to any person if the Department has evidence that the applicant has engaged in any of the acts listed in Section 420.60(a) unless the Department also has evidence that the applicant has been sufficiently rehabilitated to warrant the public trust.
 - d) Registration issued pursuant to subsection (a)(1)(A), (B) and (C) shall be renewable for 2 year periods. Registration issued pursuant to subsection (a)(1)(D) shall be renewable for 1 year periods. Provisional registration, issued pursuant to subsection (b) shall not be renewable.
- Section 420.60 Fees
- a) The fees for registration in all categories shall be non-refundable and shall be as follows:
 - 1) Initial Registration - Individual \$ 100.00
 - 2) Initial Registration - Person Other Than Individual \$ 25.00
 - 3) Renewal of Registration \$ 100.00
 - 4) Renewal of Registration - Persons Other Than Individual \$ 25.00
 - 5) Provisional Registration \$ 35.00
 - b) The appropriate fees are to accompany the application when filed with the Department.
- Section 420.70 Suspension and Revocation of Registration
- a) The Department shall act to suspend or revoke a person's registration for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for registration or provisional registration, if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for registration under this Part;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 2) Willfully evading the statute or regulations pertaining to registration, or willfully aiding another person in evading such statute or regulations pertaining to registration;
 - 3) Having been convicted of a crime which is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust; and
 - 4) Intentionally or negligently misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or intentionally or negligently misrepresenting the results of a test to detect or measure radon or radon progeny.
- b) If, based upon any of the above grounds, the Department determines that action to suspend or revoke registration is warranted, the Department shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke a person's registration.
- c) If the Department finds that withdrawal of registration is warranted, the usual action shall be a suspension of registration for up to one year. The term of suspension may be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, that the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to public health or safety or deficiencies that cannot be cured within one year, the Department shall revoke the person's registration.
- d) When a person's registration is suspended or revoked, the person shall surrender the certificate of registration to the Department.
- e) A person whose registration has been revoked may seek reinstatement of registration by filing with the Department a petition for reinstatement that complies with the requirements of 32 Ill. Adm. Code 200.40. Such petition may be filed one year or more after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the registration should be reinstated due to rehabilitation or other just cause.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 420.80 Civil Penalties

- a) The Department shall assess civil penalties, in accordance with subsection (c), against any unregistered person who sells a device or performs a service, for compensation, for determining the presence of radon or radon progeny, unless such person is exempt from the registration requirements as specified in Section 420.30.
- b) Prior to assessing civil penalties, the Department shall confirm the violation of the registration requirements by:
 - 1) Observation of the violation by a Departmental inspector;
 - 2) Obtaining records, documents, or other physical evidence; or
 - 3) Obtaining signed, written statements from persons that allege a violation has occurred.
- c) Civil Penalties as provided in subsection (a) shall be assessed as follows:
 - 1) First violation by an unregistered person - \$500.00
 - 2) Subsequent violation by an unregistered person - \$1,000.00
 - 3) Failure of a registered individual to provide direct supervision to an individual with provisional registration - \$1,000.00.
 - 4) Failure of a registered individual to direct and supervise radon testing activities of the unregistered employee of a registered business or to review and approve test results prepared by an unregistered employee prior to sending them to the client - \$1,000.00.
 - 5) Failure of a registered person (business) to supervise its unregistered employees - \$1,000.00.
- d) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day a violation occurs shall constitute a separate offense.

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

- 1) Heading of Part: Hazardous Air Pollutants
- 2) Code Citation: 35 Ill. Adm. Code 231
- 3) Section Numbers:

231.110 Repeal
 231.120 Repeal
 231.122 Repeal
 231.130 Repeal
 231.140 Repeal
 231.150 Repeal
 231.160 Repeal
 231.180 Repeal
 231.190 Repeal
 231.200 Repeal
 231.210 Repeal
 231.230 Repeal
 231.240 Repeal
 231.250 Repeal
 231.260 Repeal
 231.320 Repeal
 231.330 Repeal
 231. Table A Repeal
 231. Appendix A Repeal
 231. Appendix B Repeal
 231. Appendix C Repeal

Proposed Action:

- 4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1010 and 1027).
- 5) A Complete Description of the Subject and Issues Involved:
- The Board is proposing to repeal 35 Ill. Adm. Code 231 in its entirety. Part 231 constitutes the Board's National Emission Standards for Hazardous Air Pollutants (NESHAPS) adopted by peremptory rulemakings between 1979 and 1987. Prior to 1987, the Board was required to adopt the NESHAPS provisions in order for them to be enforceable in Illinois. However, in 1987, Section 9.1 of the Environmental Protection Act (Act) was amended to cause the automatic enforceability of the NESHAPS provisions in Illinois. As a result, the Board is no longer required to formally adopt NESHAPS provisions to make them effective; the NESHAPS become effective immediately upon their adoption by the United States Environmental Protection Agency (USEPA).

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
 IF "yes" please specify the date: yes X no
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

Prior to the proposed repealer, affected local governments were required to comply with the NESHAPS provisions of the Board's regulations, which incorporated by reference the NESHAPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NESHAPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Send written comments concerning R89-7(B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
- 12) Initial Regulatory Flexibility analysis:
- A) Date rule was submitted to the business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER e: PEREMPTORY RULES

PART 231

HAZARDOUS AIR POLLUTANTS (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
231.110

General Provisions

SUBPART B: RADON-222 EMISSIONS
FROM UNDERGROUND URANIUM MINES

Section
231.120
231.122

Emission Standard for Asbestos (renumbered)
Radon-222 Emissions from Underground Uranium Mines

SUBPART C: BERYLLIUM

Section
231.130

Emission Standard for Beryllium

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section
231.140

Emission Standard for Beryllium Rocket Motor Firing

SUBPART E: MERCURY

Section
231.150

Emission Standard for Mercury

SUBPART F: VINYL CHLORIDE

Section
231.160

Emission Standard for Vinyl Chloride

SUBPART H: RADIONUCLIDE EMISSIONS FROM
DEPARTMENT OF ENERGY (DOE) FACILITIES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

231.180 Radionuclide Emissions from Department of Energy (DOE) Facilities

SUBPART I: RADIONUCLIDE EMISSIONS FROM FACILITIES LICENSED BY THE NUCLEAR REGULATORY COMMISSION (NRC) AND FEDERAL FACILITIES NOT COVERED BY 35 ILL. ADM. CODE 231.180

Section 231.190 Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by 35 ILL. ADM. CODE 231.180

SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources) OF BENZENE

Section 231.200 Equipment Leaks (Fugitive Emission Sources) of Benzene

SUBPART K: RADIONUCLIDE EMISSIONS FROM ELEMENTAL PHOSPHORUS PLANTS

Section 231.210 Radionuclide Emissions from Elemental Phosphorus Plants

SUBPART M: ASBESTOS

Section 231.230 Emission Standard for Asbestos

SUBPART N: INORGANIC ARSENIC EMISSIONS FROM GLASS MANUFACTURING PLANTS

Section 231.240 Inorganic Arsenic Emissions from Glass Manufacturing Plants

SUBPART O: INORGANIC ARSENIC EMISSIONS FROM PRIMARY COPPER SMELTERS

Section 231.250 Inorganic Arsenic Emissions from Primary Copper Smelters

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART P: INORGANIC ARSENIC EMISSIONS FROM ARSENIC TRIOXIDE AND METALLIC ARSENIC PRODUCTION FACILITIES

Section 231.260 Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)

Section 231.320 Equipment Leaks (Fugitive Emission Sources)

SUBPART W: RADON-222 EMISSIONS FROM LICENSED URANIUM MILL TAILINGS

Section 231.330 Radon-222 Emissions from Licensed Uranium Mill Tailings

Table A Rule into Section Table; Section into Rule Table
Appendix A National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B Test Methods
Appendix C Quality Assurance Procedures

AUTHORITY: Implementing and authorized by Section 9.1(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 $\frac{1}{2}$, par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 4 Ill. Reg. 9, p. 255, effective February 20, 1980; peremptory amendment at 6 Ill. Reg. 9437, effective July 15, 1982; peremptory amendment at 6 Ill. Reg. 14572, effective November 5, 1982; peremptory amendment at 7 Ill. Reg. 3029, effective March 7, 1983; codified at 7 Ill. Reg. 13624; peremptory amendment at 8 Ill. Reg. 1815, effective January 24, 1984; peremptory amendment at 8 Ill. Reg. 14660, effective August 1, 1984; peremptory amendment at 8 Ill. Reg. 24315, effective November 29, 1984; peremptory amendment at 9 Ill. Reg. 8878, effective May 28, 1985; peremptory amendment at 9 Ill. Reg. 9249, effective June 4, 1985; peremptory amendment at 9 Ill. Reg. 20924, effective December 16, 1985, peremptory amendment at 10 Ill. Reg. effective 9820, effective May 20, 1986; peremptory amendment at 10 Ill. Reg. 10152, effective May 21, 1986; peremptory amendment at 10 Ill. Reg. 15315, effective September 9, 1986; peremptory amendment in R86-43, R86-45, R86-47 at 10 Ill. Reg. 19578, effective October 30, 1986; peremptory

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

amendment at Ill. Reg. 10922, effective June 1, 1987; peremptory amendment at 11 Ill. Reg. 11551, effective June 18, 1987; peremptory amendment at 11 Ill. Reg. 14848, effective August 25, 1987; repealed at ___ Ill. Reg. ___, effective ____.

SUBPART A: GENERAL PROVISIONS

Section 231.110 General Provisions

The Board incorporates by reference 40 CFR 61, Subpart A (1986), as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART B: RADON-222 EMISSIONS FROM UNDERGROUND URANIUM MINES

Section 231.120 Emission Standard for Asbestos (renumbered)

Section 231.122 Radon-222 Emissions from Underground Uranium Mines

The Board incorporates by reference 40 CFR 61, Subpart B as adopted at 50 Fed. Reg. 15386, April 17, 1985.

SUBPART C: BERYLLIUM

Section 231.130 Emission Standard for Beryllium

The Board incorporates by reference 40 CFR 61, Subpart C (1982).

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section 231.140 Emission Standard for Beryllium Rocket Motor Firing

The Board incorporates by reference 40 CFR 61, Subpart D (1982).

SUBPART E: MERCURY

Section 231.150 Emission Standard for Mercury

The Board incorporates by reference 40 CFR 61, Subpart E (1986), as amended at 52 Fed. Reg. 8724, March 19, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART F: VINYL CHLORIDE

Section 231.160 Emission Standard for Vinyl Chloride

The Board incorporates by reference 40 CFR 61, Subpart F (1986), as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART H: RADIONUCLIDE EMISSIONS FROM DEPARTMENT OF ENERGY (DOE) FACILITIES

Section 231.180 Radionuclide Emissions from Department of Energy (DOE) Facilities

The Board incorporates by reference 40 CFR 61, Subpart H as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART I: RADIONUCLIDE EMISSIONS FROM FACILITIES LICENSED BY THE NUCLEAR REGULATORY COMMISSION (NRC) AND FEDERAL FACILITIES NOT COVERED BY 35 ILL. ADM. CODE 231.180

Section 231.190 Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by 35 Ill. Adm. Code 231.180

The Board incorporates by reference 40 CFR 61, Subpart I as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources) OF BENZENE

Section 231.200 Equipment Leaks (Fugitive Emission Sources) of Benzene

The Board incorporates by reference 40 CFR 61, Subpart J as adopted at 49 Fed. Reg. 23498, June 6, 1984.

SUBPART K: RADIONUCLIDE EMISSIONS FROM ELEMENTAL PHOSPHORUS PLANTS

Section 231.210 Radionuclide Emissions from Elemental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Phosphorus Plants

The Board incorporates by reference 40 CFR 61, Subpart K (1986), as amended at 52 Fed. Reg. 28140, July 28, 1987.

SUBPART M: ASBESTOS

Section 231.230 Emission Standard for Asbestos

The Board incorporates by reference 40 CFR 61, Subpart M (1985) as amended at 51 Fed. Reg. 8199, March 10, 1986.

SUBPART N: INORGANIC ARSENIC EMISSIONS FROM GLASS MANUFACTURING PLANTS

Section 231.240 Inorganic Arsenic Emissions from Glass Manufacturing Plants

The Board incorporates by reference 40 CFR 61, Subpart N as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART O: INORGANIC ARSENIC EMISSIONS FROM PRIMARY COPPER SMELTERS

Section 231.250 Inorganic Arsenic Emissions from Primary Copper Smelters

The Board incorporates by reference 40 CFR 61, Subpart O as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART P: INORGANIC ARSENIC EMISSIONS FROM ARSENIC TRIOXIDE AND METALLIC ARSENIC PRODUCTION FACILITIES

Section 231.260 Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

The Board incorporates by reference 40 CFR 61, Subpart P as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)

Section 231.320 Equipment Leaks (Fugitive Emission Sources)

The Board incorporates by reference 40 CFR 61, Subpart V (1986) as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART W: RADON-222 EMISSIONS FROM LICENSED URANIUM MILL TAILINGS

Section 231.330 Radon-222 Emissions from Licensed Uranium Mill Tailings

The Board incorporates by reference 40 CFR 61, Subpart W as adopted at 51 Fed. Reg. 34056, September 24, 1986.

Table A
Rule into Section Table;
Section into Rule Table

RULE	SECTION
1001	231.110
1002	231.120
1003	231.130
1004	231.140
1005	231.150
1006	231.160
1051	Appendix A
1052	Appendix B

Appendix A

National Emission Standards for Hazardous Air Pollutants, Compliance Status Information

The Board incorporates by reference 40 CFR 61, Appendix A (1982).

Appendix B
Test Methods

The Board incorporates by reference 40 CFR 61, Appendix B (1986), as amended in R86-33 at 51 Fed. Reg. 27956, August 4, 1986; as amended at 52 Fed. Reg. 20397, June 1, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Appendix C
Quality Assurance Procedures

The Board incorporates by reference 40 CFR 61, Appendix C (1982) as amended at 47 Fed. Reg. 39168, September 7, 1982.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of Part: New Source Performance Standards

2) Code Citation: 35 Ill. Adm. Code 230

3) Section Numbers: Proposed Action:

230.110	Repeal
230.140	Repeal
230.141	Repeal
230.142	Repeal
230.150	Repeal
230.160	Repeal
230.170	Repeal
230.180	Repeal
230.190	Repeal
230.200	Repeal
230.210	Repeal
230.211	Repeal
230.212	Repeal
230.220	Repeal
230.230	Repeal
230.240	Repeal
230.241	Repeal
230.250	Repeal
230.260	Repeal
230.270	Repeal
230.280	Repeal
230.290	Repeal
230.300	Repeal
230.310	Repeal
230.320	Repeal
230.330	Repeal
230.340	Repeal
230.350	Repeal
230.360	Repeal
230.370	Repeal
230.371	Repeal
230.380	Repeal
230.390	Repeal
230.400	Repeal
230.410	Repeal
230.430	Repeal
230.440	Repeal
230.470	Repeal
230.480	Repeal
230.490	Repeal
230.500	Repeal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- 230.520 Repeal
- 230.530 Repeal
- 230.540 Repeal
- 230.550 Repeal
- 230.560 Repeal
- 230.570 Repeal
- 230.580 Repeal
- 230.590 Repeal
- 230.600 Repeal
- 230.680 Repeal
- 230.690 Repeal
- 230.700 Repeal
- 230.720 Repeal
- 230.730 Repeal
- 230.740 Repeal
- 230.770 Repeal
- 230.780 Repeal
- 230.Table A Repeal
- 230.Table B Repeal
- 230.Appendix A Repeal
- 230.Appendix B Repeal
- 230.Appendix C Repeal
- 230.Appendix F Repeal

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1010 and 1027).

5) A Complete Description of the Subject and Issues Involved:

The Board is proposing to repeal 35 Ill. Adm. Code 230 in its entirety. Part 230 constitutes the Board's New Source Performance Standards (NSPS) adopted by peremptory rulemakings between 1979 and 1987. Prior to 1987, the Board was required to adopt the NSPS provisions in order for them to be enforceable in Illinois. However, in 1987, Section 9.1 of the Environmental Protection Act (Act) was amended to cause the automatic enforceability of the NSPS provisions in Illinois. As a result, the Board is no longer required to formally adopt NSPS provisions to make them effective; the NSPS become effective immediately upon their adoption by the United States Environmental Protection Agency (USEPA).

It is no longer necessary to maintain these regulations in the Administrative Code. In fact, as new NSPS are adopted by USEPA and become enforceable in Illinois pursuant to Section 9.1 of the Act, these existing regulations may become outdated, or worse, may be inconsistent with the updated

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

standards such as to cause confusion to the regulated community.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?
— yes — ☒ no

8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

Prior to the proposed repealer, affected local governments were required to comply with the NSPS provisions of the Board's regulations, which incorporated by reference the NSPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NSPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7(B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility analysis:

A) Date rule was submitted to the business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989

B) Types of small businesses affected:

None

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

C) Reporting, bookkeeping or other procedures required for compliance:

None

D) Types of professional skills necessary for compliance:

None

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER e: PEREMPTORY RULES

PART 230

NEW SOURCE PERFORMANCE STANDARDS (REPEALED)

SUBPART A: GENERAL PROVISIONS

General Provisions

Section
230.110

SUBPART D: STEAM GENERATORS

Section
230.140

Fossil-Fuel Fired Steam Generators for which
Construction is Commenced after August 17, 1971

230.141

Electric Utility Steam Generating Units for which
Construction is Commenced after September 18, 1978

230.142

Industrial - Commercial - Institutional Steam
Generating Units for which Construction is Commenced
after June 19, 1984

SUBPART E: INCINERATORS

Section
230.150

Incinerators

SUBPART F: PORTLAND CEMENT PLANTS

Section
230.160

Portland Cement Plants

SUBPART G: NITRIC ACID PLANTS

Section
230.170

Nitric Acid Plants

SUBPART H: SULFURIC ACID PLANTS

Section
230.180

Sulfuric Acid Plants

SUBPART I: ASPHALT CONCRETE PLANTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.190 Asphalt Concrete Plants

Section 230.200 SUBPART J: PETROLEUM REFINERIES
Petroleum Refineries

Section 230.210: SUBPART K: STORAGE VESSELS FOR PETROLEUM LIQUIDS
Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

230.211: Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

230.212 Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

Section 230.220 SUBPART L: SECONDARY LEAD SMELTERS
Secondary Lead Smelters

Section 230.230 SUBPART M: SECONDARY BRASS AND BRONZE INGOT PRODUCTION PLANTS
Secondary Brass and Bronze Ingot Production Plants

Section 230.240 SUBPART N: BASIC OXYGEN PROCESS FURNACES
Primary Emissions from Basic Oxygen Process Furnaces Constructed after June 11, 1973

Section 230.241 Secondary Emissions from Basic Oxygen Process Steelmaking Facilities Constructed after January 20, 1983

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.250 SUBPART O: SEWAGE TREATMENT PLANTS
Sewage Treatment Plants

Section 230.260 SUBPART P: PRIMARY COPPER SMELTERS
Primary Copper Smelters

Section 230.270 SUBPART Q: PRIMARY ZINC SMELTERS
Primary Zinc Smelters

Section 230.280 SUBPART R: PRIMARY LEAD SMELTERS
Primary Lead Smelters

Section 230.290 SUBPART S: PRIMARY ALUMINUM REDUCTION PLANTS
Primary Aluminum Reduction Plants

Section 230.300 SUBPART T: THE PHOSPHATE FERTILIZER INDUSTRY: WET-PROCESS PHOSPHORIC ACID PLANTS
Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants

Section 230.310 SUBPART U: THE PHOSPHATE FERTILIZER INDUSTRY: SUPERPHOSPHORIC ACID PLANTS
Phosphate Fertilizer Industry: Superphosphoric Acid Plants

Section 230.320 SUBPART V: THE PHOSPHATE FERTILIZER INDUSTRY: DIAMMONIUM PHOSPHATE PLANTS
Phosphate Fertilizer Industry: Diammonium Phosphate Plants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART W: THE PHOSPHATE FERTILIZER INDUSTRY:
TRIPLE SUPERPHOSPHATE PLANTS

Section
230.330 Phosphate Fertilizer Industry: Triple Superphosphate
Plants

SUBPART X: THE PHOSPHATE FERTILIZER INDUSTRY:
GRANULAR TRIPLE SUPERPHOSPHATE STORAGE FACILITIES

Section
230.340 Phosphate Fertilizer Industry: Granular Triple
Superphosphate Storage Facilities

SUBPART Y: COAL PREPARATION PLANTS

Section
230.350 Coal Preparation Plants

SUBPART Z: FERROALLOY PRODUCTION FACILITIES

Section
230.360 Ferroalloy Production Facilities

SUBPART AA: STEEL PLANTS:
ELECTRIC ARC FURNACES

Section
230.370 Steel Plants: Electric Arc Furnaces

230.371 Steel Plants: Electric Arc Furnaces and Argon-Oxygen
Decarburization Vessels Constructed After August 17,
1983

SUBPART BB: KRAFT PULP MILLS

Section
230.380 Kraft Pulp Mills

SUBPART CC: Glass Manufacturing Plants

Section
230.390 Glass Manufacturing Plants

SUBPART DD: GRAIN ELEVATORS

Section
230.400 Grain Elevators

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART EE: SURFACE COATING OF METAL FURNITURE

Section
230.410 Surface Coating of Metal Furniture

SUBPART GG: STATIONARY GAS TURBINES

Section
230.430 Stationary Gas Turbines

SUBPART HH: LIME MANUFACTURING PLANTS

Section
230.440 Lime Manufacturing Plants

SUBPART KK: LEAD-ACID BATTERY MANUFACTURING PLANTS

Section
230.470 Lead-Acid Battery Manufacturing Plants

SUBPART LL: METALLIC MINERAL PROCESSING PLANTS

Section
230.480 Metallic Mineral Processing Plants

SUBPART MM: AUTOMOBILE AND LIGHT-DUTY TRUCK
SURFACE COATING OPERATIONS

Section
230.490 Automobile and Light-Duty Truck Surface Coating
Operations

SUBPART NN: PHOSPHATE ROCK PLANTS

Section
230.500 Phosphate Rock Plants

SUBPART PP: AMMONIUM SULFATE MANUFACTURE

Section
230.520 Ammonium Sulfate Manufacture

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART QQ: GRAPHIC ARTS INDUSTRY:
PUBLICATION ROTOGRAVURE PRINTING

Section
230.530 Graphic Arts Industry: Publication Rotogravure
Printing

SUBPART RR: PRESSURE SENSITIVE TAPE AND LABEL
SURFACE COATING OPERATIONS

Section
230.540 Pressure Sensitive Tape and Label Surface Coating
Operations

SUBPART SS: INDUSTRIAL SURFACE COATING:
LARGE APPLIANCES

Section
230.550 Industrial Surface Coating: Large Appliances

SUBPART TT: METAL COIL SURFACE COATING OPERATIONS

Section
230.560 Metal Coil Surface Coating Operations

SUBPART UU: ASPHALT PROCESSING AND
ASPHALT ROOFING MANUFACTURE

Section
230.570 Asphalt Processing and Asphalt Roofing Manufacture

SUBPART VV: EQUIPMENT LEAKS OF VOC IN THE SYNTHETIC
ORGANIC CHEMICALS MANUFACTURING INDUSTRY

Section
230.580 Equipment Leaks of VOC in the Synthetic Organic
Chemicals Manufacturing Industry

SUBPART WW: BEVERAGE CAN SURFACE COATING INDUSTRY

Section
230.590 Beverage Can Surface Coating Industry

SUBPART XX: BULK GASOLINE TERMINALS

Section
230.600 Bulk Gasoline Terminals

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART FFF: FLEXIBLE VINYL AND URETHANE
COATING AND PRINTING

Section
230.680 Flexible Vinyl and Urethane Coating and Printing

SUBPART GGG: EQUIPMENT LEAKS OF VOC
IN PETROLEUM REFINERIES

Section
230.690 Equipment Leaks of VOC in Petroleum Refineries

SUBPART HHH: SYNTHETIC FIBER PRODUCTION FACILITIES

Section
230.700 Synthetic Fiber Production Facilities

SUBPART JJJ: PETROLEUM DRY CLEANERS

Section
230.720 Petroleum Dry Cleaners

SUBPART KKK: EQUIPMENT LEAKS OF VOC FROM
ONSHORE NATURAL GAS PROCESSING PLANTS

Section
230.730 Equipment Leaks of VOC from Onshore Natural Gas
Processing Plants

SUBPART LLL: ONSHORE NATURAL GAS PROCESSING;
SO₂ EMISSIONS

Section
230.740 Onshore Natural Gas Processing; SO₂ Emissions

SUBPART OOO: NONMETALLIC MINERAL PROCESSING PLANTS

Section
230.770 Nonmetallic Mineral Processing Plants

SUBPART PPP: WOOL FIBERGLASS INSULATION
MANUFACTURING PLANTS

Section
230.780 Wool Fiberglass Insulation Manufacturing Plants

Table A Rule into Section Table

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Table B Section into Rule Table

Appendix A	Reference Methods
Appendix B	Performance Specifications
Appendix C	Determination of Emission Rate Change
Appendix F	Quality Assurance Procedures

AUTHORITY: Implementing and authorized by Section 9.1(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111, par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 3 Ill. Reg. 49, p. 285, effective November 28, 1979; Peremptory rule adopted at 4 Ill. Reg. 9, p. 225, effective February 20, 1980; peremptory amendment at 4 Ill. Reg. 15, p. 1, effective March 30, 1980; peremptory amendment at 4 Ill. Reg. 23, p. 124, effective May 27, 1980; peremptory amendment at 4 Ill. Reg. 36, p. 159, effective August 25, 1980; peremptory amendment at 5 Ill. Reg. 1903, effective February 17, 1981; peremptory amendment at 5 Ill. Reg. 14205, effective December 13, 1981; peremptory amendment at 6 Ill. Reg. 3263, effective March 11, 1982; peremptory amendment at 6 Ill. Reg. 6072, effective May 7, 1982; peremptory amendment at 6 Ill. Reg. 10606, effective August 18, 1982; peremptory amendment at 6 Ill. Reg. 14572, effective November 5, 1982; peremptory amendment at 6 Ill. Reg. 15041, effective November 29, 1982; peremptory amendment at 6 Ill. Reg. 15587, effective December 9, 1982; peremptory amendment at 7 Ill. Reg. 976, effective January 10, 1983; peremptory amendment at 7 Ill. Reg. 3227, effective March 14, 1983; peremptory amendment at 7 Ill. Reg. 6978, effective May 12, 1983; peremptory amendment at 7 Ill. Reg. 8001, effective June 21, 1983; peremptory amendment at 7 Ill. Reg. 13700, effective September 29, 1983; codified at 7 Ill. Reg. 13614; peremptory amendment at 7 Ill. Reg. 17021, effective December 8, 1983; peremptory amendment at 7 Ill. Reg. 17460, effective effective February 2, 1984; peremptory amendment at 8 Ill. Reg. 3042, effective February 27, 1984; peremptory amendment at 8 Ill. Reg. 5715, effective April 16, 1984; peremptory amendment at 8 Ill. Reg. 6832, effective May 1, 1984; peremptory amendment at 8 Ill. Reg. 7927, effective May 22, 1984; peremptory amendment at 8 Ill. Reg. 10075, effective June 20, 1984; peremptory amendment at 8 Ill. Reg. 14665, effective August 1, 1984; peremptory amendment at 8 Ill. Reg. 24320, effective November 29, 1984; peremptory amendment at 9 Ill. Reg. 2539, effective February 22, 1985; peremptory amendment at 9 Ill. Reg. 8884, effective May 28, 1985; Corrected at 9 Ill. Reg. 9587; peremptory amendment at 9 Ill. Reg. 10289, effective June 24, 1985; peremptory amendment at 9 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Reg. 13377, effective August 20, 1985; peremptory amendment at 9 Ill. Reg. 17037, effective October 18, 1985; peremptory amendment at 9 Ill. Reg. 20929, effective December 16, 1985; peremptory amendment at 10 Ill. Reg. 3887, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 4963, effective March 11, 1986; peremptory amendment at 10 Ill. Reg. 10157, effective May 22, 1986; peremptory amendment at 10 Ill. Reg. 11160, effective June 10, 1986; peremptory amendment at 10 Ill. Reg. 12168, effective July 1, 1986; peremptory amendment at 10 Ill. Reg. 13762, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 16752, effective September 22, 1986; peremptory amendment at 10 Ill. Reg. 18051, effective October 6, 1986; peremptory amendment at 11 Ill. Reg. 1709, effective January 2, 1987; peremptory amendment at 11 Ill. Reg. 8794, effective April 15, 1987; peremptory amendment at 11 Ill. Reg. 10927, effective June 1, 1987; peremptory amendment at 11 Ill. Reg. 11557, effective June 18, 1987; peremptory amendment at 11 Ill. Reg. 12050, effective July 2, 1987; peremptory amendment at 11 Ill. Reg. 14837, effective August 25, 1987; Repealed at 11 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 230.110 General Provisions

The Board incorporates by reference 40 CFR 60, Subpart A (1986); as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 17555, May 11, 1987.

SUBPART D: STEAM GENERATORS

Section 230.140 Fossil Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971

The Board incorporates by reference 40 CFR 60, Subpart D (1986), as amended at 51 Fed. Reg. 42796, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

Section 230.141 Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978

The Board incorporates by reference 40 CFR 60, Subpart Da (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.142

Industrial - Commercial - Institutional Steam Generating Units for which Construction is Commenced after June 19, 1984

The Board incorporates by reference 40 CFR 60, Subpart Db as adopted at 51 Fed. Reg. 42768, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART E: INCINERATORS

Section 230.150

Incinerators

The Board incorporates by reference 40 CFR 60, Subpart E (1982).

SUBPART F: PORTLAND CEMENT PLANTS

Section 230.160

Portland Cement Plants

The Board incorporates by reference 40 CFR 60, Subpart F (1982).

SUBPART G: NITRIC ACID PLANTS

Section 230.170

Nitric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart G (1982); as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART H: SULFURIC ACID PLANTS

Section 230.180

Sulfuric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart H (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983; as amended at 48 Fed. Reg. 44700, September 29, 1983; as amended at 48 Fed. Reg. 48669, October 20, 1983.

SUBPART I: ASPHALT CONCRETE PLANTS

Section 230.190

Asphalt Concrete Plants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

The Board incorporates by reference 40 CFR 60, Subpart I (1985), as amended at 51 Fed. Reg. 12324, April 10, 1986.

SUBPART J: PETROLEUM REFINERIES

Section 230.200

Petroleum Refineries

The Board incorporates by reference 40 CFR 60, Subpart J (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART K: STORAGE VESSELS FOR PETROLEUM LIQUIDS

Section 230.210

Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973, and Prior to May 19, 1978

The Board incorporates by reference 40 CFR 60, Subpart K (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.211

Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

The Board incorporates by reference 40 CFR 60, Subpart Ka (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.212

Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

The Board incorporates by reference 40 CFR 60, Subpart Kb, as adopted at 52 Fed. Reg. 11420, April 8, 1987, as amended at 52 Fed. Reg. 22779, June 16, 1987.

SUBPART L: SECONDARY LEAD SMELTERS

Section 230.220

Secondary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart L (1982).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART M: SECONDARY BRASS AND BRONZE
INGOT PRODUCTION PLANTS

Section 230.230 Secondary Brass and Bronze Ingot Production
Plants

The Board incorporates by reference 40 CFR 60, Subpart M (1984),
as amended at 49 Fed. Reg. 43616, October 30, 1984.

SUBPART N: BASIC OXYGEN PROCESS FURNACES

Section 230.240 Primary Emissions from Basic Oxygen Process
Furnaces Constructed after June 11, 1973

The Board incorporates by reference 40 CFR 60, Subpart N (1985),
as amended at 51 Fed. Reg. 150, January 2, 1986.

Section 230.241 Secondary Emissions from Basic Oxygen
Steelmaking Facilities Constructed after
January 20, 1983

The Board incorporates by reference 40 CFR 60, Subpart Na as
adopted at 51 Fed. Reg. 150, January 2, 1986.

SUBPART O: SEWAGE TREATMENT PLANTS

Section 230.250 Sewage Treatment Plants

The Board incorporates by reference 40 CFR 60, Subpart O (1982).

SUBPART P: PRIMARY COPPER SMELTERS

Section 230.260 Primary Copper Smelters

The Board incorporates by reference 40 CFR 60, Subpart P (1982),
as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART Q: PRIMARY ZINC SMELTERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.270 Primary Zinc Smelters

The Board incorporates by reference 40 CFR 60, Subpart Q (1982),
as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART R: PRIMARY LEAD SMELTERS

Section 230.280 Primary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart R (1982),
as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART S: PRIMARY ALUMINUM REDUCTION PLANTS

Section 230.290 Primary Aluminum Reduction Plants

The Board incorporates by reference 40 CFR 60, Subpart S (1982).

SUBPART T: THE PHOSPHATE FERTILIZER INDUSTRY:
WET-PROCESS PHOSPHORIC ACID PLANTS

Section 230.300 Phosphate Fertilizer Industry: Wet-Process
Phosphoric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart T (1982),
as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at
48 Fed. Reg. 7128, February 17, 1983.

SUBPART U: THE PHOSPHATE FERTILIZER INDUSTRY:
SUPERPHOSPHORIC ACID PLANTS

Section 230.310 Phosphate Fertilizer Industry: Superphosphoric
Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart U (1982),
as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at
48 Fed. Reg. 7128, February 17, 1983.

SUBPART V: THE PHOSPHATE FERTILIZER INDUSTRY:
DIAMMONIUM PHOSPHATE PLANTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.320 Phosphate Fertilizer Industry: Diammonium Phosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart V (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART W: THE PHOSPHATE FERTILIZER INDUSTRY:
TRIPLE SUPERPHOSPHATE PLANTS

Section 230.330 Phosphate Fertilizer Industry: Triple Superphosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart W (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART X: THE PHOSPHATE FERTILIZER INDUSTRY:
GRANULAR TRIPLE SUPERPHOSPHATE STORAGE FACILITIES

Section 230.340 Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities

The Board incorporates by reference 40 CFR 60, Subpart X (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Y: COAL PREPARATION PLANTS

Section 230.350 Coal Preparation Plants

The Board incorporates by reference 40 CFR 60, Subpart Y (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Z: FERROALLOY PRODUCTION FACILITIES

Section 230.360 Ferroalloy Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart Z (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART AA: STEEL PLANTS:
ELECTRIC ARC FURNACES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.370 Steel Plants: Electric Arc Furnaces

The Board incorporates by reference 40 CFR 60, Subpart AA (1984), as amended at 49 Fed. Reg. 43838, October 31, 1984.

Section 230.371 Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

The Board incorporates by reference 40 CFR 60, Subpart AA as adopted at 49 Fed. Reg. 43838, October 31, 1984.

SUBPART BB: KRAFT PULP MILLS

Section 230.380 Kraft Pulp Mills

The Board incorporates by reference 40 CFR 60, Subpart BB (1985), as amended at 50 Fed. Reg. 6316, February 14, 1985; as amended at 50 Fed. Reg. 9577, March 8, 1985; as amended at 51 Fed. Reg. 18538, May 20, 1986.

SUBPART CC: GLASS MANUFACTURING PLANTS

Section 230.390 Glass Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart CC (1984), as amended at 49 Fed. Reg. 41030, October 19, 1984

SUBPART DD: GRAIN ELEVATORS

Section 230.400 Grain Elevators

The Board incorporates by reference 40 CFR 60, Subpart DD (1982).

SUBPART EE: SURFACE COATING OF
METAL FURNITURE

Section 230.410 Surface Coating of Metal Furniture

The Board incorporates by reference 40 CFR 60, Subpart EE (1984), as amended at 50 Fed. Reg. 18247, April 30, 1985.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART GG: STATIONARY GAS TURBINES

Section 230.430 Stationary Gas Turbines

The Board incorporates by reference 40 CFR 60, Subpart GG (1983), as amended at 49 Fed. Reg. 30672, July 31, 1984.

SUBPART HH: LIME MANUFACTURING PLANTS

Section 230.440 Lime Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart HH (1986); as amended at 52 Fed. Reg. 4773, February 17, 1987

SUBPART KK: LEAD-ACID BATTERY MANUFACTURING PLANTS

Section 230.470 Lead-Acid Battery Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart KK (1982).

SUBPART LL: METALLIC MINERAL PROCESSING PLANTS

Section 230.480 Metallic Mineral Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart LL, as adopted at 49 Fed. Reg. 6458, February 21, 1984.

SUBPART MM: AUTOMOBILE AND LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS

Section 230.490 Automobile and Light-Duty Truck Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart MM (1982).

SUBPART NN: PHOSPHATE ROCK PLANTS

Section 230.500 Phosphate Rock Plants

The Board incorporates by reference 40 CFR 60, Subpart NN (1982).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART PP: AMMONIUM SULFATE MANUFACTURE

Section 230.520 Ammonium Sulfate Manufacture

The Board incorporates by reference 40 CFR 60, Subpart PP (1982).

SUBPART QQ: GRAPHIC ARTS INDUSTRY: PUBLICATION ROTOGRAVURE PRINTING

Section 230.530 Graphic Arts Industry: Publication Rotogravure Printing

The Board incorporates by reference 40 CFR 60, Subpart QQ (1982), as amended at 47 Fed. Reg. 50644, November 8, 1982; as amended at 48 Fed. Reg. 1056, January 10, 1983.

SUBPART RR: PRESSURE SENSITIVE TAPE AND LABEL SURFACE COATING OPERATIONS

Section 230.540 Pressure Sensitive Tape and Label Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart RR (1983), as amended at 48 Fed. Reg. 48368, October 18, 1983.

SUBPART SS: INDUSTRIAL SURFACE COATING: LARGE APPLIANCES

Section 230.550 Industrial Surface Coating: Large Appliances

The Board incorporates by reference 40 CFR 60, Subpart SS (1982), as amended at 47 Fed. Reg. 47778, October 27, 1982.

SUBPART TT: METAL COIL SURFACE COATING

Section 230.560 Metal Coil Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart TT (1985), as amended at 47 Fed. Reg. 49606, November 1, 1982; as amended in R86-26 at 51 Fed. Reg. 22938, June 24, 1986.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART UU: ASPHALT PROCESSING AND
ASPHALT ROOFING MANUFACTURE

Section 230.570 Asphalt Processing and Asphalt Roofing
Manufacture

The Board incorporates by reference 40 CFR 60, Subpart UU
(1982), as amended at 47 Fed. Reg. 34137, August 6, 1982.

SUBPART VV: EQUIPMENT LEAKS OF VOC IN THE SYNTHETIC
ORGANIC CHEMICALS MANUFACTURING INDUSTRY

Section 230.580 Equipment Leaks of VOC in the Synthetic Organic
Chemicals Manufacturing Industry

The Board incorporates by reference 40 CFR 60, Subpart VV (1983),
as amended at 48 Fed. Reg. 48328, October 18, 1983; as amended at
49 Fed. Reg. 22598, May 30, 1984; as amended at 49 Fed. Reg.
26738, June 29, 1984.

SUBPART WW: BEVERAGE CAN SURFACE COATING INDUSTRY

Section 230.590 Beverage Can Surface Coating Industry

The Board incorporates by reference 40 CFR 60, Subpart WW as
adopted at 48 Fed. Reg. 38728, August 25, 1983.

SUBPART XX: BULK GASOLINE TERMINALS

Section 230.600 Bulk Gasoline Terminals

The Board incorporates by reference 40 CFR 60, Subpart XX as
adopted at 48 Fed. Reg. 35790, August 18, 1983.

SUBPART FFF: FLEXIBLE VINYL AND
COATING AND PRINTING

Section 230.680 Flexible Vinyl and Urethane Coating and
Printing

The Board incorporates by reference 40 CFR 60, Subpart FFF as
adopted at 49 Fed. Reg. 26884, June 29, 1984; as amended at 49
Fed. Reg. 32848, August 17, 1984.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART GGG: EQUIPMENT LEAKS OF VOC
IN PETROLEUM REFINERIES

Section 230.690 Equipment Leaks of VOC in Petroleum Refineries

The Board incorporates by reference 40 CFR 60, Subpart GGG as
adopted at 49 Fed. Reg. 22598, May 30 1984.

SUBPART HHH: SYNTHETIC FIBER
PRODUCTION FACILITIES

Section 230.700 Synthetic Fiber Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart HHH
(1983), as amended at 49 Fed. Reg. 13646, April 5, 1984; as
amended at 49 Fed. Reg. 18096, April 27, 1984.

SUBPART JJJ: PETROLEUM DRY CLEANERS

Section 230.720 Petroleum Dry Cleaners

The Board incorporates by reference 40 CFR 60, Subpart JJJ (1984)
as amended at 50 Fed. Reg. 49022, November 27, 1985.

SUBPART KKK: EQUIPMENT LEAKS OF VOC FROM
ONSHORE NATURAL GAS PROCESSING PLANTS

Section 230.730 Equipment Leaks of VOC from Onshore Natural Gas
Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart KKK, as
adopted at 50 Fed. Reg. 26122, June 24, 1985.

SUBPART LLL: ONSHORE NATURAL GAS PROCESSING;
SO₂ EMISSIONS

Section 230.740 Onshore Natural Gas Processing; SO₂ Emissions

The Board incorporates by reference 40 CFR 60, Subpart LLL, as
adopted at 50 Fed. Reg. 40158, October 1, 1985.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART 000: NONMETALLIC MINERAL PROCESSING PLANTS
 Section 230.770 Nonmetallic Mineral Processing Plants
 The Board incorporates by reference 40 CFR 60, Subpart 000, as adopted at 50 Fed. Reg. 31328, August 1, 1985.

SUBPART PPP: WOOL FIBERGLASS
 INSULATION MANUFACTURING PLANTS

Section 230.780 Wool Fiberglass Insulation Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart PPP as adopted at 50 Fed. Reg. 7694, February 25, 1985.

Table A
 Rule into Section Table

RULE	SECTION
901	230.110
902	230.140
902.1	230.141
903	230.150
904	230.160
905	230.170
906	230.180
907	230.190
908	230.200
909	230.210
909.1	230.211
910	230.220
911	230.230
912	230.240
913	230.250
914	230.200
915	230.270
916	230.280
917	230.290
918	230.300
919	230.310
920	230.320
921	230.330
922	230.340

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

923	230.350
924	230.360
925	230.370
926	230.380
927	230.390
928	230.400
929	230.410
931	230.430
932	230.440
935	230.470
937	230.490
938	230.500
940	230.520
941	230.530
943	230.550
944	230.560
945	230.570
951	Appendix A
952	Appendix B
953	Appendix C
968	230.700

Table B
 Section to Rule Table

SECTION	RULE
230.110	901
230.140	902
230.141	902.1
230.150	903
230.160	904
230.170	905
230.180	906
230.190	907
230.200	908
230.210	909
230.211	909.1
230.220	910
230.230	911
230.240	912
230.250	913
230.200	914
230.270	915
230.280	916
230.290	917
230.300	918

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

230.310 919

230.320 920

230.330 921

230.340 922

230.350 923

230.360 924

230.370 925

230.380 926

230.390 927

230.400 928

230.410 929

230.430 931

230.440 932

230.470 935

230.490 937

230.500 938

230.520 940

230.530 941

230.550 943

230.560 944

230.570 945

230.700 968

Appendix A 951

Appendix B 952

Appendix C 953

Appendix A: Reference Methods

The Board incorporates by reference 40 CFR 60, Appendix A, (1986); as amended at 51 Fed. Reg. 29104, August 14, 1986; as amended at 51 Fed. Reg. 32454, September 12, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986; as amended at 51 Fed. Reg. 44803, December 12, 1986; as amended at 52 Fed. Reg. 5105, February 19, 1987; as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 19797 (numbered as 18797), May 27, 1987; as amended at 52 Fed. Reg. 20391, June 1, 1987; as amended in R87-15, July 16, 1987.

Appendix B

Performance Specifications

The Board incorporates by reference 40 CFR 60, Appendix B 1986, as amended at 52 Fed. Reg. 17555, May 11, 1987.

Appendix C

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Determination of Emission Rate Change

The Board incorporates by reference 40 CFR 60, Appendix C (1982).

Appendix F: Quality Assurance Procedures

The Board incorporates by reference 52 Fed. Reg. 21003, June 4, 1987, as amended in R87-17, July 16, 1987; as amended at 52 Fed. Reg. 27612, July 22, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Organic Material Emission Standards and Limitations
- 2) Code Citation: 35 Ill. Adm. Code 215
- 3) Section Number: Proposed Action:
Section 215.123 Amended
- 4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027)
- 5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 215.123. Section 215.123 cross-references 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Section 215.123 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations presently in Part 230 under Section 9.1 of the Environmental Protection Act

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes.

Are there any other amendments pending on this Part?

Section Number:	Proposed Action:	Ill. Reg. Citation
215.206	Amendment	13 Ill. Reg. 12384
215.104	Amendment	13 Ill. Reg. 15551
215.105	New Section	13 Ill. Reg. 15551
215.585	Amendment	13 Ill. Reg. 15551
215.102	Amendment	13 Ill. Reg. 16645
215.104	Amendment	13 Ill. Reg. 16645
215.105	Amendment	13 Ill. Reg. 16645
215.122	Amendment	13 Ill. Reg. 16645

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

215.124	Amendment	13 Ill. Reg. 16645
215.127	New Section	13 Ill. Reg. 16645
215.128	Amendment	13 Ill. Reg. 16645
215.181	Amendment	13 Ill. Reg. 16645
215.206	Amendment	13 Ill. Reg. 16645
215.208	Amendment	13 Ill. Reg. 16645
215.211	Amendment	13 Ill. Reg. 16645
215.241	Amendment	13 Ill. Reg. 16645
215.404	Repealed	13 Ill. Reg. 16645
215.409	New Section	13 Ill. Reg. 16645
215.410	New Section	13 Ill. Reg. 16645
215.421	Amendment	13 Ill. Reg. 16645
215.432	Amendment	13 Ill. Reg. 16645
215.445	Amendment	13 Ill. Reg. 16645
215.447	Amendment	13 Ill. Reg. 16645
215.464	Amendment	13 Ill. Reg. 16645
215.467	New Section	13 Ill. Reg. 16645
215.581	Amendment	13 Ill. Reg. 16645
215.582	Amendment	13 Ill. Reg. 16645
215.584	Amendment	13 Ill. Reg. 16645
215.585	New Section	13 Ill. Reg. 16645
215.601	Amendment	13 Ill. Reg. 16645
215.602	Amendment	13 Ill. Reg. 16645
215.603	Amendment	13 Ill. Reg. 16645
215.606	Repealed	13 Ill. Reg. 16645
215.610	Amendment	13 Ill. Reg. 16645
215.614	New Section	13 Ill. Reg. 16645
215.615	New Section	13 Ill. Reg. 16645
215.620	Amendment	13 Ill. Reg. 16645
215.626	New Section	13 Ill. Reg. 16645
215.636	Amendment	13 Ill. Reg. 16645
215.886	Amendment	13 Ill. Reg. 16645
215.920	Amendment	13 Ill. Reg. 16645
215.926	Amendment	13 Ill. Reg. 16645
215.928	New Section	13 Ill. Reg. 16645
215.929	New Section	13 Ill. Reg. 16645
215.940	Amendment	13 Ill. Reg. 16645
215.946	Amendment	13 Ill. Reg. 16645
215.948	New Section	13 Ill. Reg. 16645
215.960	Amendment	13 Ill. Reg. 16645
215.966	Amendment	13 Ill. Reg. 16645
215.968	New Section	13 Ill. Reg. 16645

- 10) Statement of Statewide Policy Objective (if applicable)?

This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill.Rev.Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
- 12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
November 2, 1989

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 215

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section	Introduction
215.100	Clean-up and Disposal Operations
215.101	Testing Methods
215.102	Abbreviations and Conversion Factors
215.103	Definitions
215.104	Incorporations by Reference
215.105	Afterburners
215.106	Determination of Applicability
215.107	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	Storage Containers
215.121	Loading Operations
215.122	Petroleum Liquid Storage Tanks
215.123	External Floating Roofs
215.124	Compliance Dates and Geographical Areas
215.125	Compliance Plan
215.126	

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Separation Operations
215.141	Pumps and Compressors
215.142	Vapor Blowdown
215.143	Safety Relief Valves
215.144	
Section	SUBPART E: SOLVENT CLEANING
215.181	Solvent Cleaning in General
215.182	Cold Cleaning
215.183	Open Top Vapor Degreasing
215.184	Conveyorized Degreasing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

215.185 Compliance Plan

SUBPART F: COATING OPERATIONS

Section	
215.202	Compliance Schedules
215.204	Emission Limitations for Manufacturing Plants
215.205	Alternative Emission Limitations
215.206	Exemptions from Emission Limitations
215.207	Compliance by Aggregation of Emission Sources
215.208	Testing Methods for Solvent Content
215.209	Exemption from General Rule on Use of Organic Material
215.210	Alternative Compliance Schedule
215.211	Compliance Dates and Geographical Areas
215.212	Compliance Plan
215.213	Special Requirements for Compliance Plan

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section	
215.240	Applicability
215.245	Flexographic and Rotogravure Printing
215.241	External Floating Roofs
215.249	Compliance Dates

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section	
215.260	Applicability
215.261	Petition
215.263	Public Hearing
215.264	Board Action
215.267	Agency Petition

SUBPART K: USE OF ORGANIC MATERIAL

Section	
215.301	Use of Organic Material
215.302	Alternative Standard
215.303	Fuel Combustion Emission Sources
215.304	Operations with Compliance Program
215.305	Viscose Exemption (Repealed)

SUBPART N: VEGETABLE OIL PROCESSING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	
215.340	Hexane Extraction Soybean Crushing
215.342	Hexane Extraction Corn Oil Processing
215.344	Recordkeeping for Vegetable Oil Processes
215.345	Compliance Determination
215.346	Compliance Dates and Geographical Areas
215.347	Compliance Plan

SUBPART P: PRINTING AND PUBLISHING

Section	
215.401	Flexographic and Rotogravure Printing
215.402	Exemptions
215.403	Applicability of Subpart K
215.404	Testing and Monitoring
215.405	Compliance Dates and Geographical Areas
215.406	Alternative Compliance Plan
215.407	Compliance Plan
215.408	Heatset Web Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

Section	
215.420	Applicability
215.421	General Requirements
215.422	Inspection Program Plan for Leaks
215.423	Inspection Program for Leaks
215.424	Repairing Leaks
215.425	Recordkeeping for Leaks
215.426	Reporting for Leaks
215.427	Alternative Program for Leaks
215.428	Compliance Dates
215.429	Compliance Plan
215.430	General Requirements
215.431	Inspection Program Plan for Leaks
215.432	Inspection Program for Leaks
215.433	Repairing Leaks
215.434	Recordkeeping for Leaks
215.435	Report for Leaks
215.436	Alternative Program for Leaks
215.437	Open-Ended Valves
215.438	Standards for Control Devices
215.439	Compliance Plan

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

215.441 Petroleum Refinery Waste Gas Disposal
 215.442 Vacuum Producing Systems
 215.443 Wastewater (Oil/Water) Separator
 215.444 Process Unit Turnarounds
 215.445 Leaks General Requirements
 215.446 Monitoring Program Plan for Leaks
 215.447 Monitoring Program for Leaks
 215.448 Recordkeeping for Leaks
 215.449 Reporting for Leaks
 215.450 Alternative Program for Leaks
 215.451 Sealing Device Requirements
 215.452 Compliance Schedule for Leaks
 215.453 Compliance Dates and Geographical Areas

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

215.461 Manufacture of Pneumatic Rubber Tires
 215.462 Green Tire Spraying Operations
 215.463 Alternative Emission Reduction Systems
 215.464 Testing and Monitoring
 215.465 Compliance Dates and Geographical Areas
 215.466 Compliance Plan

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

215.480 Applicability of Subpart T
 215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
 215.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
 215.483 Material Storage and Transfer
 215.484 In-Process Tanks
 215.485 Leaks
 215.486 Other Emission Sources
 215.487 Testing
 215.488 Monitors for Air Pollution Control Equipment
 215.489 Compliance Schedule

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

Section

215.500 Exception
 215.510 Coke By-Product Recovery Plants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

215.512 Coke By-Product Recovery Plant Leaks
 215.513 Inspection Program
 215.514 Recordkeeping Requirements
 215.515 Reporting Requirements
 215.516 Compliance Dates
 215.517 Compliance Plan

SUBPART V: AIR OXIDATION PROCESSES

Section
 215.520 Applicability
 215.521 Definitions
 215.525 Emission Limitations for Air Oxidation Processes
 215.526 Testing and Monitoring
 215.527 Compliance Date

SUBPART W: AGRICULTURE

Section
 215.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
 215.561 Architectural Coatings
 215.562 Paving Operations
 215.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
 215.581 Bulk Gasoline Plants
 215.582 Bulk Gasoline Terminals
 215.583 Gasoline Dispensing Facilities
 215.584 Gasoline Delivery Vessels

SUBPART Z: DRY CLEANERS

Section
 215.601 Perchloroethylene Dry Cleaners
 215.602 Exemptions
 215.603 Testing and Monitoring
 215.604 Compliance Dates and Geographical Areas
 215.605 Compliance Plan
 215.606 Exception to Compliance Plan
 215.607 Standards for Petroleum Solvent Dry Cleaners
 215.608 Operating Practices for Petroleum Solvent Dry Cleaners

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

215.609 Program for Inspection and Repair of Leaks
215.610 Testing and Monitoring
215.611 Exemption for Petroleum Solvent Dry Cleaners
215.612 Compliance Dates and Geographical Areas
215.613 Compliance Plan

SUBPART AA: PAINT AND INK MANUFACTURING

Section
215.620 Applicability
215.621 Exemption for Waterbase Material and Heatset Offset Ink
215.623 Permit Conditions
215.624 Open-top Mills, Tanks, Vats or Vessels
215.625 Grinding Mills
215.628 Leaks
215.630 Clean Up
215.636 Compliance Date

SUBPART BB: POLYSTYRENE PLANTS

Section
215.875 Applicability of Subpart BB
215.877 Emissions Limitation at Polystyrene Plants
215.879 Compliance Date
215.881 Compliance Plan
215.883 Special Requirements for Compliance Plan
215.886 Testing and Monitoring

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
215.920 Applicability
215.923 Permit Conditions
215.926 Control Requirements

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
215.940 Applicability
215.943 Permit Conditions
215.946 Control Requirements

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
215.960 Applicability
215.963 Permit Conditions
215.966 Control Requirements

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates
Appendix D List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
Appendix E Reference Methods and Procedures
Appendix F Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R89-7(B) at _____, effective _____.

Section 215.123 Petroleum Liquid Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The requirements of subsection (b) shall not apply to any stationary storage tank:
- 1) Equipped before January 1, 1979 with one of the vapor loss control devices specified in Section 215.121(b), except Section 215.121(b)(1);
 - 2) With a capacity of less than 151.42 cubic meters;
 - 3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;
 - 4) With a capacity of less than 1,430 cubic meters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;
 - 5) Subject to new source performance standards for storage vessels of petroleum liquid, 35 ~~iii~~ ^{Adm-} ~~Code 230~~, 40 CFR 60, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(B)).
 - 6) In which volatile petroleum liquid is not stored; or
 - 7) Which is a pressure tank as described in Section 215.121(a).
- b) Subject to subsection (a) no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile petroleum liquid in the tank unless:
- 1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b);
 - 2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:
 - A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;
 - B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and
 - C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;
 - 4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;
 - 5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semiannual inspection or incidence of roof damage or defect; and
 - 6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) is maintained.
- c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C.
- (Source: Amended at Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: Proposed Action:
Section 201.102 Amend
Section 201.401 Amend
- 4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027)
- 5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 201.102 and 201.401. Those sections cross-reference 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Sections 201.102 and 201.401 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations previously in Part 230 under Section 9.1 of the Environmental Protection Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

- 8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes

- 9) Are there any other amendments pending on this Part? Yes

Section Numbers: Proposed Action: Ill. Reg. Citation:
201.146 Amendment 13 Ill. Reg. 16285

- 10) Statement of Statewide Policy Objective:

This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill.Rev.Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101 Other Definitions
201.102 Definitions
201.103 Abbreviations and Units
201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121 Existence of Permit No Defense
201.122 Proof of Emissions
201.123 Burden of Persuasion Regarding Exceptions
201.124 Annual Report
201.125 Severability
201.126 Repealer

SUBPART C: PROHIBITIONS

Section
201.141 Prohibition of Air Pollution
201.142 Construction Permit Required
201.143 Operating Permits for New Sources
201.144 Operating Permits for Existing Sources
201.146 Exemptions from Permit Requirement
201.147 Former Permits
201.148 Operation Without Compliance Program and Project Completion Schedule
201.149 Operation During Malfunction, Breakdown or Startups
201.150 Circumvention
201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

201.154 Signatures
201.155 Standards for Issuance
201.156 Conditions
201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
201.163 Joint Construction and Operating Permits
201.164 Design Criteria
201.165 Hearings

SUBPART F: RENEWAL, REVOCATION, REVISION
AND APPEAL

Section
201.207 Revocation
201.209 Revisions to Permits
201.210 Appeals from Conditions

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
201.241 Contents of Compliance Program
201.242 Contents of Project Completion Schedule
201.243 Standards for Approval
201.244 Revisions
201.245 Effects of Approval
201.246 Records and Reports
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263 Records and Reports
201.264 Continued Operation or Startup Prior to Granting of Operating Permit
201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
201.301 Records
201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401 Continuous Monitoring Requirements
201.402 Alternative Monitoring
201.403 Exempt Sources
201.404 Monitoring System Malfunction
201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

Appendix A Rule Into Section Table
Appendix B Section Into Rule Table
Appendix C Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7A at _____, effective _____; amended in R89-7B at _____, effective _____.

Section 201.102 Definitions

"Air Contaminant": any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Air Pollution Control Equipment": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Air Pollution": the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

"Ambient Air": that portion of the atmosphere external to buildings comprising emission sources.

"Ambient Air Quality Standard": those standards promulgated from time to time by the Pollution Control Board (Board) pursuant to authority contained in the Act and found at 35 Ill. Adm. Code 243, or by the United States Environmental Protection Agency (USEPA) pursuant to authority contained in 42 U.S.C. 7401 et seq., as amended from time to time.

"Clean Air Act": the Clean Air Act of 1970, as amended, including the Clean Air Act Amendments of 1977, as amended (42 U.S.C. 7401 et seq.)

"Commence": the act of entering into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modifications.

"Construction": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Existing Air Pollution Control Equipment": any air pollution control equipment, the construction or modification which has commenced prior to April 14, 1972.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Existing Emission Source": any emission source, the construction or modification of which has commenced prior to April 14, 1972.

"Modification": any physical change in, or change in the method of operations of, an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under which an emission source or air pollution control equipment may be operated without causing a modification as herein defined, and normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Owner or Operator": any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

"Person": any individual, corporation, partnership, firm, association, trust estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

"PSD Increment": the maximum allowable increase over baseline concentration of any air contaminant as determined by Section 163 of the Clean Air Act (42 U.S.C. 7473) and regulations adopted thereunder.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Specified Air Contaminant": any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

"Standard Industrial Classification Manual": The Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART L: CONTINUOUS MONITORING

Section 201.401 Continuous Monitoring Requirements

a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners and operators of the following emission sources shall install, operate, calibrate and maintain continuous monitoring equipment for the indicated pollutants.

1) Fossil fuel-fired steam generators with an annual average capacity factor greater than 30%, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency through the use of annual production data and equipment rating information representative of the facility's operations, shall monitor for:

A) Opacity, when the steam generator is greater than 250 million Btu per hour heat input unless:

i) Gas is the only fuel burned; or

ii) Oil or a mixture of gas and oil are the only fuels burned and the source can comply with the limitations applicable to that source for particulate matter and opacity without use of collection equipment for particulate matter and the source has never been found to be in violation of an applicable visible or particulate emission standard through any administrative or judicial proceedings.

B) Nitrogen oxides, when:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) The steam generator is greater than 1000 million Btu per hour heat input;
- ii) The facility is located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 for the Clean Air Act (42 U.S.C. 7407) that a control strategy for nitrogen dioxide is necessary to attain the national standards; and

iii) The owner or operator has not demonstrated during compliance tests performed pursuant to 35 Ill. Adm. Code 230-Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9-1 of the Illinois Environmental Protection Act that the source emits nitrogen oxides at levels less than 30% or more below the emissions standards applicable to that source. Such compliance tests shall be performed pursuant to regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES... ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT. CH. 111, PAR. 1009.1(B)).

C) Sulfur dioxide, when the steam generator is greater than 250 million Btu per hour heat input and which has installed and operates sulfur dioxide pollution control equipment.

D) Percent oxygen or carbon dioxide, when measurements of oxygen or carbon dioxide in the flue gas are required pursuant to 35 Ill. Adm. Code 230-Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act, (42 USC 7411) as amended, and made applicable in Illinois pursuant to Section 9-1

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of the Illinois Environmental Protection Act, or 40 CFR 51, Appendix P (this incorporation includes no later amendments or editions) to convert sulfur dioxide or nitrogen oxide continuous emissions data to units of the applicable emission standard applicable to that source. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ILLINOIS ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

- 2) Sulfuric acid plants of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall monitor for sulfur dioxide at each point of sulfur dioxide emission.
- 3) Nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall monitor for nitrogen oxides at each point of nitrogen oxide emission.

- 4) Petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.

- b) Except for sources permitted to use alternative monitoring pursuant to Section 201.402, compliance with the Illinois emissions limitations by the owners and operators of emission sources required to monitor continuously shall be determined by the use of equipment which meets the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this incorporation includes no later amendments or editions), and relevant portions of 35 Ill. Adm. Code 230-Appendix A and B, regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT].
([ILL. REV. STAT., CH. 111, PAR. 109.1(b)])

(Source: Amended at ___ Ill. Reg. ___, effective ___)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Visible and Particulate Matter Emissions

2) Code Citation: 35 Ill. Adm. Code 212

3) Section Number: Proposed Action:

Section 212.205 Amend
Section 212.443 Amend

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

The Board is proposing to amend 35 Ill. Adm. Code 212.205 and 212.443. Those sections cross-reference 35 Ill. Adm. Code 230. Since the Board is proposing to repeal Part 230 in this same rulemaking proceeding, R89-7(B), Sections 212.205 and 212.443 must be amended to delete cross-reference to Part 230. Although deleting reference to Part 230, no substantive change is being made because this amendment also includes language indicating the automatic enforceability of the regulations previously in Part 230 under Section 9.1 of the Environmental Protection Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objective (if applicable)?

This rulemaking replaces language cross-referencing Parts 230 and 231, which are being repealed, with language that indicates the automatic enforceability of those federal regulations in Illinois pursuant to Section 9.1 of the Environmental Protection Act. Since the substance of those provisions are not being changed, this rulemaking does not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

create nor expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill.Rev.Stat. 1987, ch. 85, par. 2203).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 Docket (B) within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: November 2, 1989.

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section
212.100 Scope and Organization
212.110 Measurement Methods
212.111 Abbreviations and Units
212.112 Definitions
212.113 Incorporations by Reference

SUBPART B: VISIBLE EMISSIONS

Section
212.121 Opacity Standards
212.122 Limitations for Certain New Sources
212.123 Limitations for All Other Sources
212.124 Exceptions
212.125 Determination of Violations
212.126 Adjusted Opacity Standards Procedures

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section
212.181 Limitations for Incinerators
212.182 Aqueous Waste Incinerators
212.183 Certain Wood Waste Incinerators
212.184 Explosive Waste Incinerators

SUBPART E: PARTICULATE MATTER EMISSIONS FROM
FUEL COMBUSTION EMISSION SOURCES

Section
212.201 Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area
212.202 Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area
212.203 Existing Controlled Sources Using Solid Fuel Exclusively
212.204 New Sources Using Solid Fuel Exclusively

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

212.205 Existing Coal-fired Industrial Boilers Equipped with
Flue Gas Desulfurization Systems
212.206 Sources Using Liquid Fuel Exclusively
212.207 Sources Using More Than One Type of Fuel
212.208 Aggregation of Existing Sources

SUBPART K: FUGITIVE PARTICULATE MATTER

Section
212.301 Fugitive Particulate Matter
212.302 Geographical Areas of Application
212.304 Storage Piles
212.305 Conveyor Loading Operations
212.306 Traffic Areas
212.307 Materials Collected by Pollution Control Equipment
212.308 Spraying or Choke-Feeding Required
212.309 Operating Program
212.310 Minimum Operating Program
212.312 Amendment to Operating Program
212.313 Emission Standard for Particulate Collection Equipment
212.314 Exception for Excess Wind Speed
212.315 Covering for Vehicles

SUBPART L: PARTICULATE MATTER EMISSIONS
FROM PROCESS EMISSION SOURCES

Section
212.321 New Process Sources
212.322 Existing Process Sources
212.323 Stock Piles

SUBPART N: FOOD MANUFACTURING

Section
212.361 Corn Wet Milling Processes

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL
AND CHEMICAL MANUFACTURING

Section
212.381 Catalyst Regenerators of Fluidized Catalytic Converters

SUBPART Q: STONE, CLAY, GLASS
AND CONCRETE MANUFACTURING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

212.421 New Portland Cement Processes
212.422 Portland Cement Manufacturing Processes

SUBPART R: PRIMARY AND FABRICATED METAL
PRODUCTS AND MACHINERY MANUFACTURE

Section
212.441 Steel Manufacturing Processes
212.442 Beehive Coke Ovens
212.443 By-Product Coke Plants
212.444 Sinter Processes
212.445 Blast Furnace Cast Houses
212.446 Basic Oxygen Furnaces
212.447 Hot Metal Desulfurization Not Located in the BOF
212.448 Electric Arc Furnaces
212.449 Argon-Oxygen Decarburization Vessels
212.450 Liquid Steel Charging
212.451 Hot Scarfing Machines
212.452 Measurement Methods
212.455 Highlines on Steel Mills
212.456 Certain Small Foundries
212.457 Certain Small Iron-melting Air Furnaces

SUBPART S: AGRICULTURE

Section
212.461 Grain Handling and Drying in General
212.462 Grain Handling Operations
212.463 Grain Drying Operations

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section
212.681 Grinding, Woodworking, Sandblasting and Shotblasting

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates

Illustration A Allowable Emissions from Solid Fuel Combustion
Emission Sources Outside Chicago
Illustration B Limitations for all New Process Emission Sources
Illustration C Limitations for all Existing Process Emission
Sources

AUTHORITY: Implementing Section 10 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch.
111 1/2, pars. 1010 and 1027)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A) at 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 10 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1(Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R89-7(B) at _____, effective _____.

Section 212.205 Existing Coal-fired Industrial Boilers
Equipped with Flue Gas Desulfurization Systems

Notwithstanding Sections 212.201 through 212.204, no person shall cause or allow the emission of particulate matter into the atmosphere from existing coal-fired industrial boilers equipped with flue gas desulfurization systems to exceed 0.39 kg of particulate matter per MW-hr of actual heat input in any one-hour period (0.25 lbs/mmBtu). Nothing in this rule shall be construed to prevent compliance with applicable regulations in 35 ~~Ill. Reg. 230~~ promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411) as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111, PAR. 1009.1(b)).

(Source: Amended at _____ Ill. Reg. _____, effective _____)

SUBPART R: PRIMARY AND FABRICATED METAL
PRODUCTS AND MACHINERY MANUFACTURE

Section 212.443 By-Product Coke Plants

- a) Subpart B shall not apply to by-product coke plants.
- b) Charging:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Uncaptured Emissions

- A) No person shall cause or allow the emission of visible particulate matter from any coke oven charging operation, from the introduction of coal into the first charge port, as indicated by the first mechanical movement of the coal feeding mechanism on the larry car, to the replacement of the final charge port lid for more than a total of 125 seconds over 5 consecutive charges; provided however that 1 charge out of any 20 consecutive charges may be deemed an uncountable charge at the option of the operator.

- B) Compliance with the limitation set forth in subsection (A) shall be determined in the following manner:

- i) Observation of charging emissions shall be made from any point or points on the top side of a coke oven battery from which a qualified observer can obtain an unobstructed view of the charging operation.
- ii) The qualified observer shall time the visible emissions with a stopwatch while observing the charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall .. terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added individually to the total time.
- iii) The qualified observer shall determine and record the total number of seconds

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that charging emissions are visible during the charging of coal to the coke oven.

- iv) For each charge observed, the qualified observer shall record the total number of seconds of visible emissions, the clock time for the initiation and completion of the charging operation and the battery identification and oven number.
- v) The qualified observer shall not record any emissions observed after all charging port lids have been firmly seated following removal of the larry car, such as emissions occurring when a lid has been temporarily removed to permit spilled coal to be swept into the oven.
- vi) In the event that observations from a charge are interrupted the data from the charge shall be invalidated and the qualified observer shall note on his observation sheet the reason for invalidating the data. The qualified observer shall then resume observation of the next consecutive charge or charges and continue until a set of five charges has been recorded. Charges immediately preceding and following interrupted observations shall be considered consecutive.

2) Emissions from Control Equipment

- A) Emissions of particulate matter from control equipment used to capture emissions during charging shall not exceed 0.046 gm/dscm (0.020 gr/dscf). Compliance shall be determined in accordance with the procedures set forth in 35 Ill. Adm. Code 230-Appendix A §40 CFR 60, Appendix A, Methods 1-5 as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111½, PAR. 1009.1(B)).

- B) The opacity of emissions from control equipment shall not exceed an average of 20%, averaging the total number of readings taken. Opacity readings shall be taken at 15-second intervals from the introduction of coal into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car to the replacement of the final charge port lid. Compliance, except for the number of readings required, shall be determined in accordance with 35 Ill. Adm. Code 230-Appendix A §40 CFR 60, Appendix A, Method 9, except for the number of readings required, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111½, PAR. 1009.1(B)).

- C) Opacity readings of emissions from control equipment shall be taken concurrently with observations of fugitive particulate matter. Two qualified observers shall be required.

- 3) Qualified observers referenced in subsection (b) shall be certified pursuant to 35 Ill. Adm. Code 230-Appendix A §40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111½, PAR. 1009.1(B)).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Pushing:

1) Uncaptured Emissions

A) Emissions of fugitive particulate matter from pushing operations shall not exceed an average of 20% opacity for 4 consecutive pushes considering the highest average of six consecutive readings in each push. Opacity readings shall be taken at 15-second intervals, beginning from the time the coke falls into the receiving car or is first visible as it emerges from the coke guide whichever occurs earlier, until the receiving car enters the quench tower or quenching device. For a push of less than 90 seconds duration, the actual number of 15-second readings shall be averaged.

B) Opacity readings shall be taken by a qualified observer located in a position where the oven being pushed, the coke receiving car and the path to the quench tower are visible. The opacity shall be read as the emissions rise and clear the top of the coke battery gas mains. The qualified observer shall record opacity readings of emissions originating at the receiving car and associated equipment and the coke oven, including the standpipe on the coke side of the oven being pushed. Opacity readings shall be taken in accordance with the procedures set forth in 35 Ill. Adm. Code 230-Appendix A †40 CFR 60, Appendix A, Method 9, except that Section 2.5 for data reduction shall not be used. The qualified observer referenced in this subsection shall be certified pursuant to 35 Ill. Adm. Code 230-Appendix A †40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

UNDER [THE ENVIRONMENTAL PROTECTION ACT].
(ILL. REV. STAT., CH. 111 $\frac{1}{2}$, PAR. 1009.1(B)).

2) Emissions from Control Equipment

A) The particulate emissions from control equipment used to control emissions during pushing operations shall not exceed 0.040 pounds per ton of coke pushed. Compliance shall be determined in accordance with the procedures set forth in 35 Ill. Adm. Code 230-Appendix A †40 CFR 60, Appendix A, Methods 1-5, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111 $\frac{1}{2}$, PAR. 1009.1(B)). and Compliance shall be based on an arithmetic average of three runs (stack tests) and the calculations shall be based on the duration of a push as defined in subsection (c)(1)(A).

B) The opacity of emissions from control equipment used to control emissions during pushing operations shall not exceed 20%. For a push of less than six minutes duration, the actual number of 15-second readings taken shall be averaged. Compliance shall be determined in accordance with 35 Ill. Adm. Code 230-Appendix A †40 CFR 60, Appendix A, Method 9, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111 $\frac{1}{2}$, PAR. 1009.1(B)). except that Section 2.5 of 40 CFR 60, Appendix A, Method 9 for data

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

reduction shall not be used for pushes of less than six minutes duration.

d) Coke Oven Doors:

- 1) No person shall cause or allow visible emissions from more than 10% of all coke oven doors at any time. Compliance shall be determined by a one pass observation of all coke oven doors on any one battery.
- 2) No person shall cause or allow the operation of a coke oven unless there is on the plant premises at all times an adequate inventory of spare coke oven doors and seals and unless there is a readily available coke oven door repair facility.

e) Coke Oven Lids: No person shall cause or allow visible emission from more than 5% of all coke oven lids at any time. Compliance shall be determined by a one pass observation of all coke oven lids.

f) Coke Oven Offtake Piping: No person shall cause or allow visible emissions from more than 10% of all coke oven offtake piping at any time. Compliance shall be determined by a one pass observation of all coke oven offtake piping.

g) Coke Oven Combustion Stack: No person shall cause or allow the emission of particulate matter from a coke oven combustion stack to exceed 110 mg/dscm (0.05 gr/dscf).

h) Quenching: All coke oven quench towers shall be equipped with grit arrestors or equipment of comparable effectiveness. The make-up water shall not directly include coke by-product plant effluent. Total dissolved solids concentrations in the make-up water shall not exceed 1500 mg/l. Provided however that the limitations on the quality of quench make-up water shall not apply where the operator employs an equivalent method of control as determined by the Agency.

i) Work Rules: No person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at ___ Ill. Reg. ___, effective ___)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN2) Code Citation: 89 Ill. Adm. Code 1123) Section Number: Proposed Action:

112.154

Amendment

4) Statutory Authority: Sections 4-1.6, 4-1.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pats. 4-1.6, 4-1.11 and 12-13, as amended by P.A. 86-431, effective January 1, 1990)

5) A Complete Description of the Subjects and Issues Involved: Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

On October 13, 1989, the Department published Emergency Rulemaking under which it has been operating since October 1, 1989. Identical Proposed Rulemaking was published at the same time. That Proposed Rulemaking will be withdrawn and this Proposed Rulemaking will take its place.

There are two major changes between the current Emergency Rule and this Proposed Rulemaking. Both of these changes are being made by the Department based on budgetary constraints. It is expected that these two changes will save more than \$31 million per year, based on estimates for FY'91.

Assets

First, the asset level that can be transferred for the use of the community spouse is being reduced. Under the current Emergency Rule, the amount that can be transferred is up to \$60,000 in all cases. Under this Proposed Rule, the Department is taking advantage of the minimum amount allowed under Federal law. In general, the amount that will be allowed to be transferred is determined as follows:

the greater of-

- 1) \$12,000 or
- 2) the lesser of a) 1/2 both spouses total assets or b) \$60,000.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

This amount is reduced by any amount the community spouse actually has available.

If a couple has less than \$12,000 assets, then all those assets can still be transferred to the community spouse. If the spouses' combined assets are over \$120,000, the amount that may be reserved for the community spouse is still \$60,000.

A couple with combined assets between \$12,000 and \$120,000 will be affected by this proposed rulemaking. For example, a couple with \$60,000 could reserve that whole amount for the community spouse under the Emergency Rule. Under the policy in this Proposed Rule, the amount that could be reserved is \$30,000. (1/2 the assets of both spouses is \$30,000, less other allowed deductions, which is less than \$60,000 but greater than \$12,000). The other \$30,000 would in most cases have to be used to pay for the institutionalized spouse's care.

Income

The amount of income of the institutionalized spouse that can be diverted to the use of the community spouse is also being reduced. Under the current Emergency Rule the amount is up to \$1,500 per month (\$18,000 per year). The amount is being reduced in this Proposed Rulemaking to the minimum allowed by Federal law. In general, the amount that can be diverted will now be equal to 122% of the Federal Poverty Level for a family of 2 plus an excess shelter allowance to be determined individually in each case if shelter expenses are high comparatively. That amount is now \$815 per month (\$9,780 per year) plus any excess shelter allowance. In no event can the total exceed \$1,500.

This change will obviously have no effect on couples where the actual income of the institutionalized spouse is less than \$815. The additional income the institutionalized spouse has above the \$815 amount will be applied towards the cost of care in the institution.

The Department has been forced to make these changes in this program due to financial pressures in other programs. We have been forced to look for savings where we can find them. We had chosen to adopt the maximum income and asset limitations under the Federal Spousal Impoverishment law.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

However, we must now reduce them to the minimum amounts allowed in order to save the more than \$31 million associated with the change. It should be noted, however, that the asset and income amounts contained in this Proposed Rulemaking are still far higher than Department policy prior to October 1, 1989, when the institutionalized spouse was not allowed to transfer any assets and was allowed to divert less than \$300 per month for the needs of the community spouse.

- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.82	Amendment	October 27, 1989 (13 Ill. Reg. 16894)
112.252	Amendment	September 22, 1989 (13 Ill. Reg. 14741)
112.253	Amendment	September 22, 1989 (13 Ill. Reg. 14741)
112.254	Amendment	September 22, 1989 (13 Ill. Reg. 14741)
112.300	Amendment	October 27, 1989 (13 Ill. Reg. 16984)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation By Reference
SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

112.70 Registration Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Full Assessment Process/Development of an Employment Plan
112.76 Project Chance Orientation
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.82 Project Chance Supportive Services
112.83 Employment Child Care
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART E: PROJECT ADVANCE

Project Advance
Project Advance Experimental and Control Groups
Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
Project Advance Sanctions
Good Cause for Failure to Comply with Project Advance
Individuals Exempt From Project Advance
Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.140 Exempt Earned Income
112.141 Earned Income Exemption

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers
112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

112.250 Grant Levels
112.251 Payment Levels in AFDC
112.252 Payment Levels in AFDC Group I Counties
112.253 Payment Levels in AFDC Group II Counties
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Aliens
112.308 Special Needs Authorizations
112.309 Institutional Status
112.315 Young Parent Program
112.320 Redetermination of Eligibility
112.330 Six Month Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective August 18, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 1, 1987; amended at 11 Ill. Reg. 18679, effective August 26, 1987; amended at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 112.154 Property Transfers

a) The provisions for the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer, or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., changes from joint tenancy to tenancy in common) the way property is held.

b) 2) A transfer is allowable if:

1) A) the transfer occurred more than two years from the date of review;

2) B) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.154 Property Transfers (Cont'd)

3) C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);

4) D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);

5) E) the transfer was a change from an individual to joint bank account;

6) F) the transfer was of exempt assets;

7) G) the transfer was an equal division of marital assets.

e) 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

1) A) the asset is returned; or

2) B) a fair market value is paid to the client; or

3) C) the period of time the asset would meet the client's needs has passed; or

4) D) two years has passed.

a) 4) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

e) 1) 5) A) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 112.154

Property Transfers (Cont'd)

have met the client's need, divide the amount of the asset by the AFDC Standard of Need plus incurred medical expenses.)

2) B) For applicants, the first month of ineligibility is the month of application.

3) C) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:

113.154
113.155

Amendment
New Section

4) Statutory Authority: Sections 3-1.2, 3-1.3 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1.2, 3-1.3 and 12-13, as amended by P.A. 86-431, effective January 1, 1990).

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

This amount is reduced by any amount the community spouse actually has available.

If a couple has less than \$12,000 assets, then all those assets can still be transferred to the community spouse. If the spouses' combined assets are over \$120,000, the amount that may be reserved for the community spouse is still \$60,000.

A couple with combined assets between \$12,000 and \$120,000 will be affected by this proposed rulemaking. For example, a couple with \$60,000 could reserve that whole amount for the community spouse under the Emergency Rule. Under the policy in this Proposed Rule, the amount that could be reserved is \$30,000. (1/2 the assets of both spouses is \$30,000, less other allowed deductions, which is less than \$60,000 but greater than \$12,000). The other \$30,000 would in most cases have to be used to pay for the institutionalized spouse's care.

Income

The amount of income of the institutionalized spouse that can be diverted to the use of the community spouse is also being reduced. Under the current Emergency Rule the amount is up to \$1,500 per month (\$18,000 per year). The amount is being reduced in this Proposed Rulemaking to the minimum allowed by Federal law. In general, the amount that can be diverted will now be equal to 12% of the Federal Poverty Level for a family of 2 plus an excess shelter allowance to be determined individually in each case if shelter expenses are high comparatively. That amount is now \$815 per month (\$9,780 per year) plus any excess shelter allowance. In no event can the total exceed \$1,500.

This change will obviously have no effect on couples where the actual income of the institutionalized spouse is less than \$815. The additional income the institutionalized spouse has above the \$815 amount will be applied towards the cost of care in the institution.

The Department has been forced to make these changes in this program due to financial pressures in other programs. We have been forced to look for savings where we can find them. We had chosen to adopt the maximum income and asset limitations under the Federal Spousal Impoverishment law.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

However, we must now reduce them to the minimum amounts allowed in order to save the more than \$31 million associated with the change. It should be noted, however, that the asset and income amounts contained in this proposed Rulemaking are still far higher than Department policy prior to October 1, 1989, when the institutionalized spouse was not allowed to transfer any assets and was allowed to divert less than \$300 per month for the needs of the community spouse.

6) Will these Proposed Amendments replace an Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.260	Amendment	September 15, 1989 (13 Ill. Reg. 14263)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income
113.109 Earned Income
113.110 Budgeting Earned Income
113.111 Protected Income
113.112 Earned Income
113.113 Budgeting Earned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

NOTICE OF PROPOSED AMENDMENTS

Budgeting Earned Income For Contractual Employees
113.116 Budgeting Earned Income For Non-contractual School Employees
113.117 Termination of Employment

113.118 Exempt Earned Income
113.120 Recognized Employment Expenses
113.125 Income From Work/Study/Training Programs
113.130 Earned Income From Self-Employment
113.131 Earned Income From Roomer and Boarder
113.132 Earned Income From Rental Property
113.133 Earned Income In-Kind
113.134 Payments from the Illinois Department of Children and Family Services
113.139 Assets

113.140 Exempt Assets
113.141 Asset Disregard
113.142 Deferral of Consideration of Assets
113.143 Property Transfers For Applications Filed Prior To October 1, 1989
113.154 Property Transfers For Applications Filed On Or After October 1, 1989
113.155 Court Ordered Child Support Payments of Parent/Step-Parent
113.156 Sponsors of Aliens
113.157 Assignment of Medical Support Rights
113.160

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS
SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective October 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26,

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11036, effective July 8, 1985; amended at 9 Ill. Reg. 11901, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective March 15, 1988; amended at 12 Ill. Reg. 5642, effective March 22, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989

- a) The following transactions are considered transfers of property
- 1) Gift or gift of real or personal property
 - 2) Marriages and other encumbrances
 - 3) Creation of a joint tenancy title or joint ownership
 - 4) Transfer to obtain support and/or care
 - 5) Transfer for assumption of property payments
 - 6) Transfer to create a trust or purchase an annuity
 - 7) Purchase of a pre-paid burial plan
 - 8) Transfer or assignment of a life insurance policy in force upon the life of a client which has a cash surrender value at the time of the transfer or the naming of an irrevocable beneficiary of such a policy
 - 9) Any other transaction which results in a client's disposing of any or all of his interest in real or personal property
- b) Transfers by Applicants and Recipients
- Property transfers completed within two years of the date of application for assistance shall be considered in determining eligibility. If a fair market value was not received, the client shall be ineligible for assistance unless he can provide acceptable proof that he did not transfer the property to qualify for or increase his need for public assistance. Factors to be considered when making this determination include but are not limited to:
- 1) the client's physical and mental condition at the time of transfer,
 - 2) the client's financial situation at the time of transfer,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154

Property Transfers For Applications Filed
Prior To October 1, 1989 (Cont'd)

- 3) the clients need for assistance at the time of transfer;
- 4) changes in living arrangements at the time of transfer; and
- 5) how soon after the transfer the client applied for assistance--the period of ineligibility begins at the date of application for applicants and the date of termination for recipients--the period of ineligibility lasts from the initial date for as long as the asset would meet the clients needs if it were available but in no case shall it last longer than 2 years from the date of transfer.
- e) A client is determined ineligible under the above paragraph may become eligible if the following occurs:
- 1) the property is reconveyed to the client;
- 2) An adequate consideration is paid to the client;
- a) It shall be the responsibility of the client to report all property transfers to the local office within five working days of the transaction.
- 1) If an unreported transfer of property was made by an client within two years prior to the date of the application or was made after the filing of the application but before assistance was authorized and assistance to which the client was not entitled was received as a result of the failure to report the transfer assistance shall be cancelled or adjusted.
- 2) If the Department learns of an unreported property transfer within two years of the date it occurred and it was made for no consideration or an inadequate consideration or for a consideration which was not paid, the client must show the transfer was not made to qualify for or increase the need for assistance.
- 3) Any unreported transfer of real property made by

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154

Property Transfers For Applications Filed
Prior To October 1, 1989 (Cont'd)

- a client shall be considered made to qualify for public assistance when:
- A) the transfer was not recorded or registered or;
- B) the deed though recorded or registered, did not state the consideration; or
- C) the consideration was inadequate or not paid.
- 4) In such cases, the Attorney General may be requested to file suit to rescind the transaction or assignment.
- 5) Involuntary transfers do not affect eligibility unless there is evidence of collusion on the part of the individual to cause a forced sale and this action increases need for public assistance.
- 6) When the property transfer was made to obtain support or care and the terms of the agreement are being met only those items not included in the agreement may be met through an assistance program.
- 7) When it has been established that the property transfer was made to obtain support or care and this obligation still exists and the support or care is not being received, the client must seek legal guidance and assistance in an effort to enforce his claim before assistance may be authorized.
- 8) When a client sells real property and purchases other real property, the Department shall file a lien against the newly acquired property before it releases its lien against the original property or the recipient must guarantee the lien against the original property by posting an acceptable bond. When an individual sells his real property satisfaction of the State's lien takes precedence over other uses of the proceeds from the sale after prior encumbrances have been satisfied. After satisfaction of the State's

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

- 11) any net proceeds from the sale are to be treated as assets;
- 9) transfers because of separation, divorce or other settlement shall not affect eligibility if they are Court ordered or if no Court order if the client and his spouse divide the property in half;
- 10) transfers from an individual bank account to a joint bank account do not affect eligibility if the money continues to be used for the client's needs;
- 11) transfers of assets which are exempt at the time of transfer do not affect eligibility;
- 12) when the client and his/her spouse equally divide marital property provided the spouse's share of the marital property is not available to the client, the transfer does not affect eligibility;
- 13) The transfer of homestead property does not affect eligibility. Homestead property is the dwelling (together with adjoining and related real estate) owned and occupied by the individual.

The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- b) A transfer is allowable if:
- 1) the transfer occurred more than two years from the date of review;
 - 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

- institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.
- 3) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
- 4) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
- 5) the transfer was a change from an individual to joint bank account;
- 6) the transfer was of exempt assets;
- 7) the transfer was an equal division of marital assets.

c) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

- 1) the asset is returned; or
 - 2) a fair market value is paid to the client; or
 - 3) the period of time the asset would meet the client's needs has passed; or
 - 4) two years has passed.
- d) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Cont'd)

- e) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to two (2) years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the client's unmet need based on the AABD Assistance Standard plus incurred medical expenses. However, Shelter Care payments are allowed at the private pay rate.)

1) For applicants, the first month of ineligibility is the month of application.

2) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989

The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989. These provisions do not apply to individuals who reside in the community.

- a) A transfer of assets occurs when a resident of a long term care facility buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

b) A transfer is allowable if:

1) the transfer occurred more than thirty (30) months from the date of application;

2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Cont'd)

determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

3) homestead property was transferred to:

A) a spouse;

B) the individual's child who is under age 21;

C) the individual's child who is blind or permanently and totally disabled;

D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or

E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility.

4) The transfer was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. The amount of assets a resident may transfer to his/her community spouse is an amount by which the greatest of 12,000, or the lessor of \$60,000 or one-half of the combined amount of the total assets of both the community spouse and the institutionalized spouse at the time of institutionalization, exceeds the amount of assets available to the community spouse. The Community Spouse Asset Allowance is subject to the following qualifiers:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 113.155

Property Transfers For Applications Filed On
Or After October 1, 1989 (Cont'd)

A) The amount of assets sufficient to provide
(the amount of income generated) the
Community Spouse Maintenance Needs Allowance
(as described at 89 Ill. Adm. 120.61) as
determined by a fair hearing; or

B) The amount transferred under a court order
to the community spouse.

5) the transfer was to the individual's child who is
blind or permanently and totally disabled or to
another person for the sole benefit of the
individual's child;

6) the individual intended to transfer the assets
for fair market value;

7) It is determined that denial of assistance would
create an undue hardship;

8) it is determined that the transfer was made for a
reason other than to qualify for assistance; or

9) the transfer was to the community spouse and was
the result of a court order.

c) If the transfer does not fall within the listing of
subsection (b) above, the client is ineligible
beginning with the month in which such assets were
transferred and until whichever occurs first:

1) the period of time the uncompensated amount of
the asset would meet the monthly cost of long
term care (private rate) at the facility; or

2) thirty (30) months from the month of the transfer.

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Proposed Action:
114.270 Amendment

4) Statutory Authority: Sections 6-1.2, 6-1.10 and 12-13 of
the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23,
Pars. 6-1.2, 6-1.10 and 12-13, as amended by P.A. 86-431,
effective January 1, 1990).

5) A Complete Description of the Subjects and Issues
Involved: Rulemaking appearing in the Illinois Register
today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120
implement what have been characterized as the Spousal
Impoverishment Sections of the Medicare Catastrophic
Coverage Act of 1988.

On October 13, 1989, the Department published Emergency Rulemaking under which it has been operating since October 1, 1989. Identical Proposed Rulemaking was published at the same time. That Proposed Rulemaking will be withdrawn and this Proposed Rulemaking will take its place.

There are two major changes between the current Emergency Rule and this Proposed Rulemaking. Both of these changes are being made by the Department based on budgetary constraints. It is expected that these two changes will save more than \$31 million per year, based on estimates for FY'91.

Assets

First, the asset level that can be transferred for the use of the community spouse is being reduced. Under the current Emergency Rule, the amount that can be transferred is up to \$60,000 in all cases. Under this Proposed Rule, the Department is taking advantage of the minimum amount allowed under Federal law. In general, the amount that will be allowed to be transferred is determined as follows:

the greater of-

- 1) \$12,000 or
- 2) the lesser of a) 1/2 both spouses total
assets or b) \$60,000.

NOTICE OF PROPOSED AMENDMENT

This amount is reduced by any amount the community spouse actually has available.

If a couple has less than \$12,000 assets, then all those assets can still be transferred to the community spouse. If the spouses' combined assets are over \$120,000, the amount that may be reserved for the community spouse is still \$60,000.

A couple with combined assets between \$12,000 and \$120,000 will be affected by this proposed rulemaking. For example, a couple with \$60,000 could reserve that whole amount for the community spouse under the Emergency Rule. Under the policy in this Proposed Rule, the amount that could be reserved is \$30,000. (1/2 the assets of both spouses is \$30,000, less other allowed deductions, which is less than \$60,000 but greater than \$12,000). The other \$30,000 would in most cases have to be used to pay for the institutionalized spouse's care.

Income

The amount of income of the institutionalized spouse that can be diverted to the use of the community spouse is also being reduced. Under the current Emergency Rule the amount is up to \$1,500 per month (\$18,000 per year). The amount is being reduced in this Proposed Rulemaking to the minimum allowed by Federal law. In general, the amount that can be diverted will now be equal to 122% of the Federal poverty level for a family of 2 plus an excess shelter allowance to be determined individually in each case if shelter expenses are high comparatively. That amount is now \$815 per month (\$9,780 per year) plus any excess shelter allowance. In no event can the total exceed \$1,500.

This change will obviously have no effect on couples where the actual income of the institutionalized spouse is less than \$815. The additional income the institutionalized spouse has above the \$815 amount will be applied towards the cost of care in the institution.

The Department has been forced to make these changes in this program due to financial pressures in other programs. We have been forced to look for savings where we can find them. We had chosen to adopt the maximum income and asset limitations under the Federal Spousal Impoverishment law.

NOTICE OF PROPOSED AMENDMENT

However, we must now reduce them to the minimum amounts allowed in order to save the more than \$31 million associated with the change. It should be noted, however, that the asset and income amounts contained in this Proposed Rulemaking are still far higher than Department policy prior to October 1, 1989, when the institutionalized spouse was not allowed to transfer any assets and was allowed to divert less than \$300 per month for the needs of the community spouse.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.130	Amendment	October 27, 1989 (13 Ill. Reg. 16691)
114.351	Amendment	September 29, 1989 (13 Ill. Reg. 14764)
114.352	Amendment	September 29, 1989 (13 Ill. Reg. 14764)
114.353	Amendment	September 29, 1989 (13 Ill. Reg. 14764)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 S. Grand Ave. East, 3rd Floor, Springfield, Illinois

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements
114.61	Individuals Exempt From Work Registration Requirements
114.62	Job Service Registration
114.63	Failure to Maintain Current Job Service Registration
114.64	Responsibility to Seek Employment
114.70	Initial Employment Expenses
114.80	Work and Training Programs
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

SUBPART D: PROJECT CHANCE

NOTICE OF PROPOSED AMENDMENT

Section
114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121 Persons Required to Participate in Employment and Training
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124 Employment and Training Participation/Cooperation Requirements
114.125 Employment and Training Program Orientation
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127 Employment and Training Program Components
114.128 Employment and Training Sanctions
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130 Employment and Training Supportive Services
114.140 Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228 Initial Employment
114.229 Termination of Employment
114.230 Exempt Earned Income
114.235 Recognized Employment Expenses
114.240 Income From Work/Study/Training Program
114.241 Earned Income From Self-Employment

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services
114.246 Budgeting Earned Income For Contractual Employees
114.247 Budgeting Earned Income For Non-contractual School Employees
114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
114.260 Deferral of Consideration of Assets (Repealed)
114.270 Property Transfers
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels for General Assistance
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.420 Redetermination of Eligibility
114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; 3mergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16015, effective October 2, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 16169, effective October 6, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 114.270 Property Transfers

a) The provisions of the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., changes from

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.270 Property Transfers (Cont'd)

joint tenancy to tenancy in common) the way property is held.

b) 2) A transfer is allowable if:

1) A) the transfer occurred more than two years from the date of review;

2) B) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

3) C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);

4) D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);

5) E) the transfer was a change from an individual to joint bank account;

6) F) the transfer was of exempt assets;

7) G) the transfer was an equal division of marital assets.

e) 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

1) A) the asset is returned; or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.270 Property Transfers (Cont'd)

- 2) B) a fair market value is paid to the client; or
- 3) C) the period of time the asset would meet the client's needs has passed; or
- 4) D) two years has passed.

d) C) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repurchases the property. The client must provide a copy of the repossession paper(s) to the Department).

e) d) 1) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the GA Standard of Need plus incurred medical expenses.)

2) For applicants, the first month of ineligibility is the month of application.

3) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.20	Amendment
120.61	Amendment
120.285	Amendment
120.379	New Section
120.385	Amendment
120.386	New Section

4) Statutory Authority: Sections 5-2.1, 5-4, 7-1.5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2.1, 5-4, 7-1.5 and 12-13, as amended by P.A. 86-431, effective January 1, 1990)

5) A Complete Description of the Subjects and Issues

Involved: Rulemaking appearing in the Illinois Register today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120 implement what have been characterized as the Spousal Impoverishment Sections of the Medicare Catastrophic Coverage Act of 1988.

On October 13, 1989, the Department published Emergency Rulemaking under which it has been operating since October 1, 1989. Identical Proposed Rulemaking was published at the same time. That Proposed Rulemaking will be withdrawn and this Proposed Rulemaking will take its place.

There are two major changes between the current Emergency Rule and this Proposed Rulemaking. Both of these changes are being made by the Department based on budgetary constraints. It is expected that these two changes will save more than \$31 million per year, based on estimates for FY'91.

Assets

First, the asset level that can be transferred for the use of the community spouse is being reduced. Under the current Emergency Rule, the amount that can be transferred is up to \$60,000 in all cases. Under this Proposed Rule, the Department is taking advantage of the minimum amount allowed under Federal law. In general, the amount that will be allowed to be transferred is determined as follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

the greater of-

- 1) \$12,000 or
- 2) the lesser of a) 1/2 both spouses total assets or b) \$60,000.

This amount is reduced by any amount the community spouse actually has available.

If a couple has less than \$12,000 assets, then all those assets can still be transferred to the community spouse. If the spouses' combined assets are over \$120,000, the amount that may be reserved for the community spouse is still \$60,000.

A couple with combined assets between \$12,000 and \$120,000 will be affected by this proposed rulemaking. For example, a couple with \$60,000 could reserve that whole amount for the community spouse under the Emergency Rule. Under the policy in this Proposed Rule, the amount that could be reserved is \$30,000. (1/2 the assets of both spouses is \$30,000, less other allowed deductions, which is less than \$60,000 but greater than \$12,000). The other \$30,000 would in most cases have to be used to pay for the institutionalized spouse's care.

Income

The amount of income of the institutionalized spouse that can be diverted to the use of the community spouse is also being reduced. Under the current Emergency Rule the amount is up to \$1,500 per month (\$18,000 per year). The amount is being reduced in this Proposed Rulemaking to the minimum allowed by Federal law. In general, the amount that can be diverted will now be equal to 122% of the Federal poverty level for a family of 2 plus an excess shelter allowance to be determined individually in each case if shelter expenses are high comparatively. That amount is now \$815 per month (\$9,780 per year) plus any excess shelter allowance. In no event can the total exceed \$1,500.

This change will obviously have no effect on couples where the actual income of the institutionalized spouse is less than \$815. The additional income the institutionalized spouse has above the \$815 amount will be applied towards the cost of care in the institution.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

The Department has been forced to make these changes in this program due to financial pressures in other programs. We have been forced to look for savings where we can find them. We had chosen to adopt the maximum income and asset limitations under the Federal Spousal Impoverishment law. However, we must now reduce them to the minimum amounts allowed in order to save the more than \$31 million associated with the change. It should be noted, however, that the asset and income amounts contained in this Proposed Rulemaking are still far higher than Department policy prior to October 1, 1989, when the institutionalized spouse was not allowed to transfer any assets and was allowed to divert less than \$300 per month for the needs of the community spouse.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? ☐ Yes ☒ No

7) Does this rulemaking contain an automatic repeal date?
☐ Yes ☒ No

8) Do these Proposed Amendments contain incorporations by reference? ☐ Yes ☒ No

9) Are there any other Proposed Amendments pending on this Part? ☐ Yes ☒ No

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.20	Amendment	September 22, 1989 (13 Ill. Reg. 14779)
120.30	Amendment	September 22, 1989 (13 Ill. Reg. 14779)
120.60	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.61	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.62	Amendment	October 6, 1989 (13 Ill. Reg. 15582)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
120.63	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.284	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.382	Amendment	March 17, 1989 (13 Ill. Reg. 3281)
120.384	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.390	Amendment	November 11, 1989 (13 Ill. Reg. 17229)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

Eligibility for Medicare Cost Sharing as a Qualified
Medicare Beneficiary (QMB)
Qualified Medicare Beneficiary (QMB) Income Standard
Hospital Insurance Benefits (HIB)
Recipient Restriction Program

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.1

Incorporation By Reference

Section
120.80

Recipient Restriction Program

SUBPART B: ASSISTANCE STANDARDS

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant
Women and Infants Under Age One Year Who Do Not
Qualify As Mandatory Categorically Needy
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

Section
120.90
120.91

Migrant Medical Program
Income Standards

120.20
120.30
120.31
120.40
120.50

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208
120.210
120.211
120.212
120.215
120.216
120.217
120.218
120.224
120.225
120.230
120.235
120.236
120.240
120.245
120.250
120.255
120.260
120.261
120.262
120.270
120.271
120.272
120.273
120.275
120.276

Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Supplemental Payments
Institutional Status
Foster Care Program
Social Security Numbers
Unearned Income
Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Earmarked Income
Lump Sum Payments and Income Tax Refunds
Protected Income
Earned Income
Budgeting Earned Income
Exempt Earned Income
Recognized Employment Expenses
Income From Work/Study/Training Program
Earned Income From Self-Employment
Earned Income From Roomer and Boarder
Earned Income In-Kind
Payments from the Illinois Department of Children
and Family Services

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled
Nursing Care, DMHDD, DMHDD Approved Community Based
Settings and Pregnant Women and Infants Under Age
One Year Who Do Not Qualify As Mandatory
Categorically Needy

Cases in Intermediate Care, Skilled Nursing Care and
DMHDD - MANG(AABD) and MANG(C)
Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings Under 89 Ill. Adm. Code
140.643

120.61
120.62

Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community
Based Residential Settings
Pregnant Women and Infants Under Age One Year Who Do
Not Qualify As Mandatory Categorically Needy

120.63
120.64

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Supplementary Medical Insurance Benefits, Buy-In
Program

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.280 120.281 120.282 120.283 120.284 120.285 120.290	Assets Exempt Assets Asset Disregards Deferral of Consideration of Assets Spend-down of Assets (AMI) Property Transfers Persons Who May Be Included in the Assistance Unit SUBPART H: MEDICAL ASSISTANCE - NO GRANT
Section 120.295 120.308 120.309 120.310 120.311 120.312 120.313 120.314 120.315 120.316 120.317 120.318 120.319 120.320 120.321 120.322 120.323 120.324 120.325 120.330 120.332 120.335 120.336 120.338 120.340 120.342 120.345 120.346 120.350 120.355	Payment Levels for AMI Client Cooperation Caretaker Relative Citizenship Residence Age Blind Disabled Relationship Living Arrangements Supplemental Payments Institutional Status Assignment of Rights to Medical Support and Collection of Payment Cooperation in Establishing Paternity and Obtaining Medical Support Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause Foster Care Program Social Security Numbers Unearned Income Budgeting Unearned Income Exempt Unearned Income Education Benefits Incentive Allowance Unearned Income In-Kind Court Ordered Child Support Payments of Parent/Step- Parent Earmarked Income Medicaid Qualifying Trusts Lump Sum Payments and Income Tax Refunds Protected Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.360 120.361 120.362 120.364 120.366 120.370 120.371 120.372 120.373 120.375 120.376 120.379 120.380 120.381 120.382 120.383 120.384 120.385 120.386 120.390 120.391 120.392 120.393 120.395 120.399	Earned Income Budgeting Earned Income Exempt Earned Income Earned Income Exemption Exclusion From Earned Income Exemption Recognized Employment Expenses Income From Work/Study/Training Programs Earned Income From Self-Employment Earned Income From Roomer and Boarder Earned Income In Kind Payments from the Illinois Department of Children and Family Services Assessment of Assets Assets Exempt Assets Asset Disregard Deferral of Consideration of Assets Spend-down of Assets (MANG) Property Transfers for Applications Filed Prior to October 1, 1989 Property Transfers Effective for Applications Filed on or After October 1, 1989 Persons Who May Be Included in the Assistance Unit Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project Payment Levels for MANG Redetermination of Eligibility
AUTHORITY:	Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).
SOURCE:	Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988;

amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. _____, effective November 17, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: ASSISTANCE STANDARDS

Section 120.20 MANG(AABD) Income Standard

Number In Family	Monthly Net Income
------------------------	--------------------------

1	267
2	333
3	458
4	517
5	608
6	683
7	717

- a) If the above number in the household exceeds the number provided above, add \$66 for each additional person.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is determined by use of the Aid to the Aged, Blind or Disabled MANG (AABD) Income Standard.

- c) The MANG (AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home ~~of~~ or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG (AABD) Standard are considered available for payment for medical care not provided in the facility.

d) MANG

- 1) A recipient residing in a DMHDD facility is allowed \$30.00 per month in lieu of any other MANG standard.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.20 MANG(AABD) Income Standard (Cont'd)

- 2) As soon as MANG (AABD) clients become residents of a DMHDD facility, a Skilled Nursing Facility, an Intermediate Care Facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
- 3) When eligibility is based on being temporarily discharged from a DMHDD facility for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay the DMHDD for care and maintenance is to be allowed in addition to the \$30.00.
- 4) Clients in a ~~group-care~~ long term facility are allowed a ~~deduction~~ deductions from their non-SSI income to meet the needs of their ~~dependent~~ community spouse, and/or children remaining in the home. dependent family members and dependent children under age 21 who do not reside with the community spouse. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:

A) ~~AABD cash grant standard if the deduction is for a spouse only, or~~ Community Spouse Maintenance Needs Allowance as described (at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;

B) Family Maintenance Needs Allowance (as described in Ill. Adm. Code 120.61), if the deduction is for dependent family member(s) residing with the community spouse; and

BC) AFDC cash grant standard if the deduction is for a ~~spouse and/or~~ dependent children under age 21 who do not reside with the community spouse.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) ~~and MANG~~

- a) The following rule applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled ~~Care~~ Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities.
- b) A one-month eligibility period will be used. All nonexempt income shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) is applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. When a client transfers between non-DMHDD facilities or transfers to a DMHDD facility, non-exempt income is applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income is not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD. If nonexempt income is greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring Medical Assistance equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.
- c) Allow a deduction from the MANG client's income to meet the needs of a dependent ~~spouse and/or~~ children under age 21 who do not reside with the community spouse, who do not have enough income to meet their

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and-MANG(e) (Cont'd)

needs and whose assets do not exceed the asset limit. To determine needs and asset limits:

- 1) ~~for a spouse only, use the AABD-MAG standard and asset disregard (see Sections 120.20 and 120.382)~~
- 2) ~~for spouse and/or dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).~~
- 3) ~~allow any payments made on medical bills for the spouse and/or children.~~

d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

- 1) The deduction for the Community Spouse Maintenance Needs Allowance is equal to the sum of the community spouse maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and an excess shelter allowance (the amount by which the sum of the community spouse's expenses for rent or mortgage payment, taxes and insurance, any maintenance charge for a condominium or cooperative and the Utility Standard used under the Food Stamp program exceeds 30 percent of the community spouse maintenance needs standard) less any non-exempt monthly income of the community spouse. The Community Spouse Maintenance Needs Allowance cannot exceed \$1,500 and is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and-MANG(e) (Cont'd)

court for the support of the community spouse or the amount determined as the result of a fair hearing.

2)

The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.285 Property Transfers

- a) The provisions for the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

- b) The provisions listed below apply to applications filed prior to October 1, 1989 and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) 1) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

- b) 2) A transfer is allowable if:

- 1) A) the transfer occurred more than two years from the date of review;

- 2) B) a fair market value was received. Fair

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.285 Property Transfers (Cont'd)

market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.

- 3+ C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
- 4+ D) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
- 5+ E) the transfer was a change from an individual to joint bank account;
- 6+ F) the transfer was of exempt assets;
- 7+ G) the transfer was an equal division of marital assets.
- 8+ 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:
- 1+ A) the asset is returned; or
- 2+ B) a fair market value is paid to the client; or
- 3+ C) the period of time the asset would meet the client's needs has passed; or
- 4+ D) two years has passed.
- 4+ 4) If a client transfers an asset which is not allowable the client must verify that the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.285 Property Transfers (Cont'd)

transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

- 5+ 5) A) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the AMI Standard plus incurred medical expenses.)
- 2+ B) For applicants, the first month of ineligibility is the month of application.
- 3+ C) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.379 Assessment of Assets

Provisions for the assessment of assets applies only to a resident of a long term care facility whose spouse resides in the community.

- a) An assessment is completed to determine the total combined amount of non-exempt assets of the resident and his/her community spouse:
- 1) when residence begins in a long term care facility; and
- 2) when requested by either spouse or a representative acting on behalf of either spouse, even if an application for assistance has not been filed.
- b) An assessment is not required if a resident of a long term care facility:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.379 Assessment of Assets (Cont'd)

- 1) is discharged for a period of less than 30 days and then reenters the facility; or
- 2) enters a hospital and then returns to the facility from the hospital.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 120.385 Property Transfers for Applications Filed Prior to October 1, 1989

The provisions listed below apply to applications for Medicaid filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) A transfer of assets occurs when an applicant or recipient buys sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- b) A transfer is allowable if:
 - 1) the transfer occurred more than two years from the date of review;
 - 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.
 - 3) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
 - 4) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
 - 5) the transfer was a change from an individual to joint bank account;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Cont'd)

- 6) the transfer was of exempt assets;
- 7) the transfer was an equal division of marital assets.
- c) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:
 - 1) the asset is returned; or
 - 2) a fair market value is paid to the client; or
 - 3) the period of time the asset would meet the client's needs has passed; or
 - 4) two years has passed.

d) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

e) ~~1)~~ The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 two (2) years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the MANG Standard plus incurred medical expenses.)

21) For applicants, the first month of ineligibility is the month of application.

32) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.386

Property Transfers Effective for
Applications Filed on or After October 1,
1989

The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989. These provisions do not apply to individuals who reside in the community.

a) A transfer of assets occurs when a resident of a long term care facility buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

b) A transfer is allowable if:

- 1) the transfer occurred more than thirty (30) months from the date of application;
- 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.
- 3) homestead property was transferred:

- A) a spouse;
- B) the individual's child who is under age 21;
- C) the individual's child who is blind or permanently and totally disabled;
- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility or;
- E) the individual's child who provided care for the individual and who was residing in the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.386

Property Transfers Effective for
Applications Filed on or After October 1,
1989 (Cont'd)

homestead property for two (2) years immediately prior to the date the individual entered the facility.

- 4) The transfer was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. The amount of assets a resident may transfer to his/her community spouse is an amount by which the greatest of 12,000, or the lesser of \$60,000 or one-half of the combined amount of the total assets of both the community spouse and the institutionalized spouse at the time of institutionalization, exceeds the amount of assets available to the community spouse. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. Code 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse.
- 5) The transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 6) the individual intended to transfer the assets for fair market value;
- 7) it is determined that denial of assistance would create an undue hardship;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.386

Property Transfers Effective for
Applications Filed on or After October 1,
1989 (Cont'd)

- 8) it is determined that the transfer was made for a
reason other than to qualify for assistance; or
- 9) the transfer was to the community spouse and was
the result of a court order.

c) If the transfer does not fall within the listing of
subsection (b) above, the client is ineligible
beginning with the month in which such assets were
transferred and until whichever occurs first:

- 1) the period of time the uncompensated amount of
the asset would meet the monthly cost of long
term care (private rate) at the facility; or
- 2) thirty (30) months from the month of the transfer.

(Source: Added at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES
- 2) Code Citation: 89 Ill. Adm. Code 103
- 3) Section Number: 103.10
Proposed Action: Amendment
- 4) Statutory Authority: Sections 10-2 and 12-13 of the
Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23,
pars. 5-4 and 12-13)
- 5) A Complete Description of the Subjects and Issues
Involved: Rulemaking appearing in the Illinois Register
today under 89 Ill. Adm. Code 103, 112, 113, 114 and 120
implement what have been characterized as the Spousal
Impoverishment Sections of the Medicare Catastrophic
Coverage Act of 1988.

On October 13, 1989, the Department published Emergency Rulemaking under which it has been operating since October 1, 1989. Identical Proposed Rulemaking was published at the same time. That Proposed Rulemaking will be withdrawn and this Proposed Rulemaking will take its place.

There are two major changes between the current Emergency Rule and this Proposed Rulemaking. Both of these changes are being made by the Department based on budgetary constraints. It is expected that these two changes will save more than \$31 million per year, based on estimates for FY'91.

Assets

First, the asset level that can be transferred for the use of the community spouse is being reduced. Under the current Emergency Rule, the amount that can be transferred is up to \$60,000 in all cases. Under this Proposed Rule, the Department is taking advantage of the minimum amount allowed under Federal law. In general, the amount that will be allowed to be transferred is determined as follows:

the greater of-

- 1) \$12,000 or
2) the lesser of a) 1/2 both spouses total
assets or b) \$60,000.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

This amount is reduced by any amount the community spouse actually has available.

If a couple has less than \$12,000 assets, then all those assets can still be transferred to the community spouse. If the spouses' combined assets are over \$120,000, the amount that may be reserved for the community spouse is still \$60,000.

A couple with combined assets between \$12,000 and \$120,000 will be affected by this proposed rulemaking. For example, a couple with \$60,000 could reserve that whole amount for the community spouse under the Emergency Rule. Under the policy in this Proposed Rule, the amount that could be reserved is \$30,000. (1/2 the assets of both spouses is \$30,000, less other allowed deductions, which is less than \$60,000 but greater than \$12,000). The other \$30,000 would in most cases have to be used to pay for the institutionalized spouse's care.

Income

The amount of income of the institutionalized spouse that can be diverted to the use of the community spouse is also being reduced. Under the current Emergency Rule the amount is up to \$1,500 per month (\$18,000 per year). The amount is being reduced in this Proposed Rulemaking to the minimum allowed by Federal law. In general, the amount that can be diverted will now be equal to 12% of the Federal Poverty Level for a family of 2 plus an excess shelter allowance to be determined individually in each case if shelter expenses are high comparatively. That amount is now \$815 per month (\$9,780 per year) plus any excess shelter allowance. In no event can the total exceed \$1,500.

This change will obviously have no effect on couples where the actual income of the institutionalized spouse is less than \$815. The additional income the institutionalized spouse has above the \$815 amount will be applied towards the cost of care in the institution.

The Department has been forced to make these changes in this program due to financial pressures in other programs. We have been forced to look for savings where we can find them. We had chosen to adopt the maximum income and asset limitations under the Federal Spousal Impoverishment law.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

However, we must now reduce them to the minimum amounts allowed in order to save the more than \$31 million associated with the change. It should be noted, however, that the asset and income amounts contained in this Proposed Rulemaking are still far higher than Department policy prior to October 1, 1989, when the institutionalized spouse was not allowed to transfer any assets and was allowed to divert less than \$300 per month for the needs of the community spouse.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes No X

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Jesse B. Harris Building II, Illinois Department of Public Aid, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 103

SUPPORT RESPONSIBILITY OF RELATIVES

Section

- 103.1 Incorporation By Reference
103.10 Support From Responsible Relatives
103.20 Determination Of Ability To Support
103.30 Redetermination Of Ability To Support
103.40 Failure or Refusal to Provide Information Regarding Ability to Support
103.50 Modification or Release From Support Order
103. Table A Standard For Determining Responsible Relative Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 13 Ill. Reg. 2496, effective February 14, 1989; amended at 13 Ill. Reg. 3954, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 16180, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. _____, effective _____.

Section 103.10 Support From Responsible Relatives

- a) The Department shall seek to obtain support for recipients from legally responsible individuals and shall seek the enforcement of support obligations with the following exception:

the Department shall not seek to obtain support for residents of long term care facilities if income of the spouse in the community is less than the Community Spouse Maintenance Needs Standard (as described at 89 Ill. Adm. Code

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 103.10 Support From Responsible Relatives (Cont'd)

120.61) and total combined non-exempt assets of the couple do not exceed the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

- b) The following persons are "responsible relatives" who are legally responsible for the financial support and maintenance of recipients:

- 1) Spouse for spouse.
- 2) Parents for children under 18 years of age.
- 3) Parents of children age 18 through 20 is living with the parents.

- c) Responsible relatives who are receiving public assistance and/or Supplemental Security Income (SSI) benefits shall be considered unable to support.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

effective in approximately six to nine months, from the date of publication as proposed in the Illinois Register.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

- 7) Does this Rulemaking contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No

If "yes," please specify type: 6.02(a) X or 6.02(b)

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

- 10) Statement of Statewide Policy Objectives:

Please specify:

The proposed rules allows the Department to carry out its legal mandate of protecting the hearing impaired public from incompetent and dishonest dispensers of hearing aids.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Retail Hearing Aid Firms.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Requires submittal of calibration of audiometer, employee roster.

D) Types of Professional Skills Necessary for Compliance:

Certified hearing aid dispenser.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER J: VISION AND HEARING

PART 682

HEARING AID CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section
682.100
682.105
682.110
682.120
682.130
682.140
682.150
682.160
682.170
682.180
682.190

Definitions
Incorporated Materials
Information which shall be Given to Hearing Aid Users
Description of Hearing Aids
Consumer Complaint Notification Cards
Consumer Records
Information to be Submitted by A Corporation, Partnership, Trust,
Association or Other Entity~~Organization~~
Inspections
Audiometer Calibrations
Mail Order Sales
Liability Insurance

SUBPART B: HEARING AID DISPENSER LICENSE~~CERTIFICATE~~

Section
682.200
682.210
682.220
682.230
682.240
682.250
682.260

Application Procedures for Temporary Hearing Aid Dispenser
License~~Certificate~~
Issuance of a Temporary License~~Certificate~~
Duplication of a License~~Certificate~~
Place of Business
Display of License~~Certificate~~
Expiration of Licenses~~Certificates~~ and License~~Certificate~~
Renewals
Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING AIDS

Section
682.300
682.310
682.320
682.330
682.340
682.350
682.360

Established Test Procedures
Period of Time Tests Are Valid
Tests Performed by Other Dispensers
Hearing Aid Selection: Persons Eligible to Test and Recommend
Audiometric Tests for Children, Developmentally Delayed Persons
and Physically Disabled Persons
Audiometric Tests for Replacement Hearing Aid
Equipment Needed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: HEARING AID DISPENSER EXAMINATION

Section
682.400
682.410
682.420
682.430
682.440
682.450

Administration of the Examination
Identification Needed to Take the Examination
Examination: Written and Practical
Notification of Examination Results
License~~Certificate~~ Expiration Prior to Examination
Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section
682.500
682.510

Dishonest, Unethical and Unprofessional Conduct
Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section
682.600
682.610
682.620

Administrative Hearings
Disciplinary Action
Restoration of Revoked or Suspended Licenses~~Certificates~~

SUBPART G: CONTINUING EDUCATION

Section
682.700

Continuing Education

Appendix A Application Form
Appendix B Supervision and Training Agreement Form
Appendix C License~~Certificate~~ Authorization Form
Appendix D Certificate of Insurance
Appendix E Surety Penal Bond
Appendix F Inactive Status Request
Appendix G Registration of Hearing Aid Dispensers Employed by a Hearing Aid

Corporations, Partnerships, Trusts, Associations or
Entity~~Organizations~~

Appendix H License~~Certificate~~ Renewal Form
Appendix I Audiometer Calibration Form
Appendix J License~~Certificate~~ Correction Form

AUTHORITY: Implementing and authorized by the Hearing Aid Consumer Protection
Act (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq.)

SOURCE:

Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at
12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill.
Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means The Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq.)

"Advertisement" means any printed or spoken information, which is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing aids or by person(s) engaged in these activities.

"Audiometric Tests" means any test, utilizing calibrated audiometric equipment, to determine the status of the hearing system.

"BOARD" MEANS THE HEARING AID CONSUMER PROTECTION BOARD. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(h))

"BOARD CERTIFIED HEARING INSTRUMENT SPECIALIST" MEANS A PERSON WHO HAS HAD AT LEAST 2 YEARS IN PRACTICE AS A HEARING AID DISPENSER AND HAS BEEN CERTIFIED AFTER QUALIFICATION BY EXAMINATION BY THE NATIONAL BOARD FOR CERTIFICATION IN HEARING INSTRUMENTS SCIENCES.

"Certificate" means a person who possesses a hearing aid dispenser certificate issued by the Department.

"CERTIFICATION" MEANS A CERTIFICATE ISSUED BY THE STATE UNDER THIS ACT TO A HEARING AID DISPENSER. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(e))

"CLINICAL AUDIOLOGIST" MEANS A PERSON WITH A MINIMUM OF A MASTERS DEGREE FROM AN ACCREDITED INSTITUTION WHO HAS COMPLETED A MINIMUM OF 24 SEMESTER HOURS (36 QUARTER HOURS) OF GRADUATE LEVEL COURSE WORK IN AN AUDIOLOGY CURRICULUM WHO HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION OR A PERSON WHO HAS COMPLETED 24 SEMESTER HOURS (36 QUARTER HOURS) OF GRADUATE LEVEL COURSE WORK AT AN ACCREDITED INSTITUTION, BEYOND A BACHELORS DEGREE WHICH MEETS THE ACADEMIC AND PRACTICUM REQUIREMENTS FOR THE AWARD OF A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"CLINICAL AUDIOLOGIST" MEANS A PERSON WITH A MINIMUM OF A MASTERS DEGREE IN AUDIOLOGY (a masters degree from an accredited institution and completion of a minimum of 24 semester hours (36 quarter hours) of graduate level course work in audiology) WHO HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE AMERICAN SPEECH-AND-HEARING ASSOCIATION OR ITS EQUIVALENT. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(e)) -- The term "Equivalent" means the completion of 24 semester hours (36 quarter hours) of graduate level course work at an accredited institution, beyond a bachelors degree and meeting the academic and practicum requirements for the award of a certificate of clinical competence in audiology from the American Speech and Hearing Association."

"Decibel" means a numerical expression of the relative intensity of a sound.

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(a))

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(b))

"ENTITY" means a person or group of persons engaged in dispensing activities (Ill. Rev. Stat. 1987, ch. 111, par. 7403 et seq.).

"FUND" MEANS THE HEARING AID DISPENSER EXAMINING AND DISCIPLINARY FUND.

"HEARING AID" MEANS ANY INSTRUMENT OR DEVICE DESIGNED, INTENDED OR OFFERED FOR THE PURPOSE OF EFFECTIVELY COMPENSATING FOR IMPAIRED HUMAN HEARING AND ANY PARTS ATTACHMENTS OR ACCESSORIES, INCLUDING EAR MOLD. HOWEVER, BATTERIES, CORDS AND INDIVIDUAL OR GROUP AUDITORY TRAINING DEVICES AND ANY INSTRUMENT OR DEVICE USED BY A PUBLIC UTILITY IN PROVIDING TELEPHONE OR OTHER COMMUNICATION SERVICES ARE EXCLUDED. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(i))

"HEARING AID AUDIOLOGIST" MEANS A PERSON WHO HAS BEEN SO CERTIFIED AFTER QUALIFICATION BY EXAMINATION AND EXPERIENCE BY THE NATIONAL BOARD OF CERTIFICATION OF THE NATIONAL HEARING AID SOCIETY. (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7403(f))

"HEARING AID DISPENSER" MEANS A PERSON WHO ENGAGES IN THE SELLING, PRACTICE OF FITTING, DISPENSING OR SERVICING OF HEARING AIDS OR WHO ADVERTISES OR DISPLAYS A SIGN OR REPRESENTS HIMSELF AS A PERSON WHO PRACTICES THE FITTING, SERVICING, DISPENSING OR SELLING OF HEARING AIDS.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

"HEARING INSTRUMENT SPECIALIST" MEANS A PERSON DESIGNATED AFTER QUALIFICATION BY EXPERIENCE AND APPLICATION TO THE NATIONAL HEARING AID SOCIETY."

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"LICENSE" MEANS A LICENSE ISSUED BY THE STATE UNDER THIS ACT TO A HEARING AID DISPENSER.

"Licensed Certified Dispenser" means a dispenser who has passed both the written and practical portions of the Department's Hearing Aid Dispenser Examination and has paid the appropriate fees for the license certificate.

"LICENSED PHYSICIAN" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES. (Ill. Rev. Stat. 1987, ch. 111, par. 7403(g))

"Manufacturer's Representative" means an employee of a hearing aid manufacturer who has written authorization from that hearing aid manufacturer to supervise temporary certified hearing aid dispensers.

"Masking" means the process by which a second sound stimulus is introduced to the nontest ear to isolate the response of the test ear from that of the nontest ear.

"Medical Evaluation" means A WRITTEN STATEMENT, SIGNED BY A LICENSED PHYSICIAN, licensed to practice medicine in all of its branches by the Department of Professional Regulation Registration and Education pursuant to the Medical Practice Act, (Ill. Rev. Stat. 1987, ch. 111, par. 4401-4478), WHICH STATES THAT THE PATIENT'S HEARING LOSS HAS BEEN MEDICALLY EVALUATED AND THE PATIENT MAY BE CONSIDERED A CANDIDATE FOR A HEARING AID, AND WHICH MUST HAVE TAKEN PLACE WITHIN 6 MONTHS IMMEDIATELY PRECEDING THE TIME THE WRITTEN STATEMENT IS PRESENTED BY THE PROSPECTIVE HEARING AID USER TO THE HEARING AID DISPENSER. (Ill. Rev. Stat. 1987, ch. 111, par. 7404)

"Most Comfortable Loudness" (MCL) means a level at which sound is most comfortable for the client, that is loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"Observer(s)" means a Licensed Certified or Provisional Certified Dispenser(s) who observes temporary licensee's engaged in dispensing activities

described in Section 682.210(c)(2).

"Other Organizations" means a person or group of persons engaged in the business of dispensing hearing aids.

"Place of Business" means a location where hearing aids are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing aid purchaser can have personal contact and counsel with the hearing aid dispenser and obtain service during the firm's business hours; where the licensee maintains a depository of all client records; where the licensee normally conducts business; and is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"PRACTICE OF FITTING, DISPENSING OR AID SERVICING OF HEARING AIDS" MEANS THE SELECTION, ADAPTATION, SALE OR AID SERVICE OF HEARING AIDS AND INCLUDE THE TESTING OF HEARING BY MEANS OF AN AUDIOMETER PROPERLY CALIBRATED TO AMERICAN NATIONAL STANDARD INSTITUTES STANDARDS. (Ill. Rev. Stat. 1987, ch. 111, par. 7403(j))

"Primary Supervisor" means the name of the Licensed Provisional Certified Dispenser or manufacturer's representative, which appears on the license certificate and the application, and who is RESPONSIBLE FOR THE SUPERVISION AND TRAINING OF A Temporary Licensee Certificate and responsible for any action(s) by the temporary certificate during the period of time when the temporary certificate is under the supervision of the Primary Supervisor, which violate the Act or these Rules, as though the violation(s) were committed by the Primary Supervisor. (Ill. Rev. Stat. 1987, ch. 111, par. 7411).

"Provisional Certified Hearing Aid Dispenser" means a dispenser who is certified under the provisions of Section 10 of the Act and has paid the appropriate fees for the certificate.

"Running Speech" means unemotional connected discourse (speech which is void of words or phrases which would arouse strong feelings (emotional) in the listener).

"SELL" OR "SALE" MEANS ANY TRANSFER OF TITLE OR OF THE RIGHT TO USE BY LEASE, BAILMENT, OR ANY OTHER CONTRACT, EXCLUDING WHOLESALE TRANSACTIONS WITH DISTRIBUTORS OR DEALERS. (Ill. Rev. Stat. 1987, ch. 111, par. 7403(k))

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50%

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing two syllables which are pronounced with equal emphasis.

"TEMPORARY LICENSEE~~RESEARCHER~~" MEANS A LICENSEE~~RESEARCHER~~ ISSUED WHILE THE APPLICANT IS IN TRAINING OR IS QUALIFYING TO BECOME A LICENSEE~~RESEARCHER~~ HEARING AID DISPENSER and has paid the appropriate fees for the license~~RESEARCHER~~ate. (Ill. Rev. Stat. 1985, ch. 111, par. 7403(d))

"Uncomfortable Loudness Level" (UCL) means the level at which the client indicates that sound is uncomfortably loud.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.105 Incorporated Materials

a) The following materials are incorporated or referenced in various sections of this Part:

- 1) ANSI S 3.6 1969 (R 1989) ~~7a~~
Standards for the Calibration of Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
Publication Sales Dept., STD
American Institute of Physics
335 East 45th Street
New York, New York 10017
(See Sections 682.170(c), 682.170(e)(4), 682.300(b) and 682.300(d))

- 2) ANSI S 3.21-1978
Methods for Pure Tone Threshold
Audiometry
American National Standards Institute
1430 Broadway
New York, New York 10018
(See Section 682.300(a))

- 3) ANSI S3.1-1977 (a revision of ANSI S3.1-1960)
American National Standard Criteria for Permissible Ambient
Noise during Audiometric Testing.
American National Standards Institute
1430 Broadway
New York, New York 10018

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(See Section 682.300)

- 4) 21 CFR 801.420 and 801.421 (1986). (See Sections 682.110(a)(3))
- 5) Rules of Practice and Procedures in Administrative Hearings 77 Ill. Adm. Code 100
Illinois Department of Public Health
- 6) Consumer Fraud and Deceptive Business Practices Act, Ill. Rev. Stat. 1985, ch. 121 1/2, par. 262 et seq.

b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

d) Copies of all incorporated materials are available for inspection and duplication by the public at the Department's Central Office, Division of Health Assessment~~Prevention~~ and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.110 Information which shall be Given to Hearing Aid Users

- a) WHENEVER A SALE OR SERVICE OF ONE OR MORE HEARING AIDS, INVOLVING \$50 OR MORE IS MADE OR CONTRACTED TO BE MADE, WHETHER UNDER A SINGLE CONTRACT OR UNDER MULTIPLE CONTRACTS, AT THE TIME OF THE TRANSACTION, THE HEARING AID DISPENSER SHALL FURNISH THE CONSUMER WITH A FULLY COMPLETED RECEIPT OR CONTRACT PERTAINING TO THAT TRANSACTION, IN SUBSTANTIALLY THE SAME LANGUAGE AS THAT USED IN THE ORAL PRESENTATION TO THE CONSUMER. THE RECEIPT OR CONTRACT SHALL CONTAIN THE DISPENSER'S NAME, LICENSE NUMBER, BUSINESS ADDRESS, BUSINESS PHONE NUMBER AND SIGNATURE; THE NAME, ADDRESS AND SIGNATURE OF THE HEARING AID CONSUMER AND THE NAME AND SIGNATURE OF THE PURCHASER IF THE CONSUMER AND THE PURCHASER ARE NOT THE SAME; THE HEARING AID MANUFACTURER'S NAME AND THE MODEL NUMBER OR NAME THAT CLEARLY IDENTIFIES THE HEARING AID; THE DATE OF PURCHASE; AND THE TERMS OF THE SALE FULLY AND CLEARLY STATED. WHEN THE HEARING AID IS DELIVERED TO THE CONSUMER OR PURCHASER, THE SERIAL NUMBER SHALL BE WRITTEN ON THE ORIGINAL RECEIPT OR CONTRACT AND A COPY SHALL BE GIVEN TO THE CONSUMER OR PURCHASER. IF A USED HEARING AID IS SOLD, THE RECEIPT AND THE CONTAINER THEREOF SHALL BE CLEARLY MARKED AS "USED" OR "RECONDITIONED".

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

WHICHEVER IS APPLICABLE, WITH TERMS OF GUARANTEE, IF ANY.

ANY PERSON WHO FITS, DISPENSES, SERVES OR SELLS HEARING AIDS SHALL DELIVER TO EACH PERSON SUPPLIED WITH A HEARING AID OR THE PURCHASER OF THE HEARING AID, A RECEIPT AND/OR CONTRACT WHICH SHALL CONTAIN THE FOLLOWING (Ill. Rev. Stat., 1985, ch. 111, par. 7404):

- 1) The dispenser's name (which shall be the name used on the certificate), the dispenser's certification, address, phone number and the dispenser's signature.
- 2) The full sale's terms clearly stated; e.g., warranty, refunds, trial periods, return of goods, and service policy.
- 3) When the hearing aid is purchased, the hearing aid manufacturer's name and model number/name of the hearing aid(s) shall be written on the receipt/contract. When the hearing aid is delivered, the serial number(s) shall be written on the original receipt/contract and a copy shall be given to the client, with a copy of the User's Instructional Brochure, as specified in 21 CFR 801.421(e).
- 4) The name and address of the hearing aid consumer and the name and signature of the purchaser, if the consumer and purchaser are not the same person.
- b) If a medical evaluation is not obtained, a copy of the medical waiver shall be presented to the consumer for his signature and a copy of this document shall be attached to the consumer's copy of the contract/receipt. The medical waiver shall be a separate document from the contract/receipt.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.120 Description of Hearing Aids

No terms or combination of terms may be used, either written or verbal other than "new," "used" or "reconditioned." (Ill. Rev. Stat., 1985, ch. 111, par. 7404)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.140 Consumer Records

Required consumer records for hearing aid dispensers shall be copies of medical evaluations, medical waivers, contracts or receipts, and audiometric test results (audiograms).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- a) The full name of the dispenser, his licensee's identification I.D.# and the date of the test shall be recorded on the audiogram.
- b) When a hearing aid is sold, as defined in Ill. Rev. Stat. 1985, ch. 111, par. 7403(k), the hearing aid dispenser shall retain copies of all records that are set forth in Section 682.140 of these Rules for a minimum of 36 months. (21 CFR 801.421(d) and Ill. Rev. Stat. 1985, ch. 111, par. 7404.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.150 Information to be Submitted by A Corporation, Partnership, Trust, Association or Other Entity/organization

EACH CORPORATION, PARTNERSHIP, TRUST, ASSOCIATION OR OTHER ENTITY/ORGANIZATION MAINTAINING AN ESTABLISHED BUSINESS ADDRESS AND ENGAGING IN THE BUSINESS OF FITTING, SERVICING, DISPENSING, AND SELLING, OR OFFERING FOR SALE HEARING AIDS AT RETAIL SHALL FILE, WITH THE DEPARTMENT, BY JULY 1 OF EACH YEAR, A LIST OF ALL LICENSED/REGISTERED and Temporary Licensed/Registered HEARING AID DISPENSERS EMPLOYED BY IT; the business name, address, county, and phone number; and the name of the owner and/or manager ON FORMS PRESCRIBED BY THE DEPARTMENT AND THE BUSINESS SHALL ALSO FILE WITH THE DEPARTMENT A STATEMENT THAT THEY WILL COMPLY IT COMPLIES WITH THIS ACT, AND, THESE RULES PROMULGATED HEREUNDER AND THE REGULATIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION (21 CFR 801.420 et seq.), by December 1 of each year (See Appendix G). (Ill. Rev. Stat. 1985, ch. 111, par. 7405). The Department shall be notified, in writing, of any changes to the information provided.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.160 Inspections

The Department shall inspect places of business, where hearing aids are dispensed, at least once every three years. The following shall be inspected: display of the Department Poster; possession of the Department of Consumer Complaint Notification Form; audiometer calibration data sheet; Notice of Cancellation Forms, contracts/receipts and medical waiver forms, which the dispenser uses; and for the Temporary Licensee/Registrant, the log of dispensing activities observed by the Primary Supervisor and/or Observer. Individual client records shall not be inspected without the written consent of the client or guardian.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.180 Mail Order Sales

Businesses engaged in the mail order sale of hearing aids shall submit a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Disclosure Statement" as specified in Section 6 of the Act and a statement that SUCH ORGANIZATION EMPLOYS ONLY LICENSED INDIVIDUALS IN THE DISPENSING OF HEARING AIDS AND FILES WITH THE DEPARTMENT, BY JANUARY 1 OF EACH YEAR, A LIST OF ALL LICENSED HEARING AID DISPENSERS EMPLOYED BY IT, BY DECEMBER 1 OF EACH YEAR, IN ORDER TO CONTINUE DISPENSING AIDS THROUGH DECEMBER 31 OF THE FOLLOWING YEAR.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.190 Liability Insurance

a) ALL PERSONS LICENSED/CERTIFIED UNDER THIS ACT SHALL MAINTAIN LIABILITY INSURANCE (malpractice). (Ill. Rev. Stat. 1987, ch. 111, par. 7404)

b) A dispenser who possesses liability insurance, which provides coverage only while the dispenser is dispensing for a particular employer, shall not dispense hearing aids as a self-employee or for another employer without obtaining separate liability insurance coverage for the dispensing activities while self-employed or dispensing for the other employer(s).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART B: HEARING AID DISPENSER LICENSE/CERTIFICATE

Section 682.200 Application Procedures For Temporary Hearing Aid Dispenser License/Certificate

Applicants for licensure/certificate shall complete and send the following to the Department.

- a) Application fee - \$325.
- b) Application form (See Appendix A), which requests the following information: name of applicant, social security number, birthdate, sex, home mailing address, home phone number, business or agency name, business mailing address, business phone, preferred mailing address, highest level of education completed, any university attended, professional certificates held, Primary Supervisor's name/ID number, number of years applicant has dispensed hearing aids, previous convictions or disciplinary actions against dispenser, citizenship status, indication that applicant is free of infectious disease, and Hearing Aid Consumer Protection Act compliance statement with the signature of applicant.

c) Supervision and Training Agreement Form (Appendix B), which

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

requests the following information: the name of the Primary Supervisor, the Observer and the Temporary Licensee/Certificate; the signature and I.D. number of the Primary Supervisor and Observer(s); and the Primary Supervisor's address and phone number.

d) License/Certificate Authorization Form (See Appendix C), which requests the following information: the dispenser's name and the name, address, county and phone number for all the places of business from which hearing aids will be dispensed by the applicant.

e) License/Certificate fee of \$400 with \$10 for each duplicate and/or additional License/Certificate.

f) Certificate of Insurance (See Appendix D), which shall give the name and address of the agency; the name(s) and address of the dispenser(s) insured; the name of the company affording coverage; the type of insurance (malpractice); the policy number; policy expiration date; limits of liability in thousands; any cancellation clause(s) and the address of the Department as the certificate holder, or the agency to be notified if the policy is cancelled or expires.

g) Surety Penalty Bond when applicable (See Appendix E), in the sum of at least \$5000, as specified in Section 11 of the Act (See Appendix E).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.210 Issuance of a Temporary License/Certificate

- a) Applicants for a temporary license/certificate shall be supervised by a Licensed Dispenser/Primary Supervisor who is certified or by a hearing aid manufacturer's representative.
- a) A Temporary Certificate, who is not employed by a Certified or Provisional Certified Hearing Aid Dispenser or supervised by a Certified or Provisional Certified Hearing Aid Dispenser, who is an employee of the same employer as the applicant, can be supervised by a hearing aid manufacturer's representative or by a person who holds a current Certificate or Provisional Certificate Hearing Aid Dispenser Certificate. HOWEVER, THE NEW DISPENSER, NOT LATER THAN 5 DAYS PRIOR TO THE COMMENCEMENT OF OPERATION UNDER A TEMPORARY CERTIFICATE, SHALL OBTAIN AND FILE WITH THE DEPARTMENT A SURETY BOND IN THE SUM AT LEAST \$5,000 WHICH SHALL BE CONDITIONED ON THE SATISFACTORY PERFORMANCE, PURSUANT TO AND IN ACCORDANCE WITH THIS ACT AND THE RULES HEREUNDER, DURING THE PERIOD COVERED BY THE TEMPORARY CERTIFICATE. (111 Rev. Stat. --

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1985, ch. 111, par. 7411)

b) The licensee for the Temporary Licensed Hearing Aid Dispenser, in addition to the business address, shall bear the Primary Supervisor's name and Licensee's I.D. number on the hearing aid manufacturer's representative name.

c) Responsibilities of the Primary Supervisor, Supervisor's Employer and/or the Observer(s).

1) The Primary Supervisor and Observer(s) shall be responsible for the supervision and training of the applicant.

2) The Primary Supervisor or Observer(s) shall personally have a minimum of 5 hours per week of face-to-face communication with each Temporary Licensee with less than 2 years experience dispensing hearing aids for the first 6 months the licensee is valid. The Temporary Licensee shall be observed performing hearing aid dispensing activities (Ill. Rev. Stat. 1985, ch. 111, par. 7403(j)) and counseling clients.

3) A record of these personal observations, by either the Primary Supervisor or the Observer(s) listed on the Supervision Agreement Form, shall be maintained in a log by the Temporary Licensee. This log shall indicate the following: the activity observed, the amount of time the activity was observed, the date the activity was observed and the signature of the Primary Supervisor or the Observer who viewed the activity.

4) THE SUPERVISOR AND THE SUPERVISOR'S EMPLOYER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY ACTS OF THE TEMPORARY LICENSE HOLDER RELATING TO THE PRACTICE OF FITTING OR DISPENSING HEARING AIDS AS DEFINED IN THIS ACT AND THE RULES PROMULGATED HEREUNDER.

The Primary Supervisor shall be responsible for violations of the Act or these Rules, by the Temporary Licensee, committed during the period of time the Temporary Licensee dispenses hearing aids under the sponsorship of the Primary Supervisor. The Primary Supervisor shall be held accountable for violations, by the Temporary Licensee, during this sponsorship, as though the violations were committed by the Primary Supervisor.

5) Primary supervisors and the supervisor's employer shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

responsible for the acts of trainees in the practice of fitting and dispensing of hearing aids until the supervisor notifies the Department and the trainee, in writing, by certified mail, of the termination of the relationship.

6) If supervision, by the Primary Supervisor, is terminated from the Temporary Licensee, the Temporary Licensee must find another Primary Supervisor; complete and send the Department another Supervision Agreement Form; and shall not dispense hearing aids until the dispenser possesses a "new" temporary Licensee, which has the "new" Primary Supervisor's name on it. The date of expiration of the Temporary Licensee shall not change with the acquisition of a "new" Primary Supervisor.

7) A Primary Supervisor shall not supervise more than 5 Temporary Licensees during any one period of time. There shall not be a limit on the number of Observers a Temporary Licensee may use and a Primary Supervisor can serve as an Observer for other Temporary Licensees.

d) The Department shall deny or revoke supervisory or observational responsibilities to any person for any actions specified in Section 18 of the Act. The standard which shall be used to make this determination is the applicant ever having done any of the following: pleading nolo contendere; being convicted of a felony or misdemeanor under the laws of the United States or any State or territory; being disciplined by a governmental or professional association; or being subject to any currently effective injunctive or restrictive order as a result of actions specified in Section 18 of the Act. A certified copy of the court record or a notarized letter from a government body or professional organization, which shall detail the basis for the disciplinary action, shall be proof that the standard for denial of observational or supervisory responsibility has been met.

e) When the Department receives the documents described in Section 682.200 of this Part, a Temporary Licensee(s) shall be sent to the business address(es) listed on the Licensee's Authorization Form.

f) All Primary Supervisors must be Certified Hearing Aid Dispensers effective July 1, 1987.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 682.220 Duplication of a License

Photocopying, reproducing or duplicating a Department Hearing Aid Dispenser License by any person other than the Department is prohibited.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.230 Place of Business

- a) On the License Authorization Form, each hearing aid dispenser shall indicate their name and the name, address, county and phone number of all places of business from which hearing aids will be dispensed.
- b) If the place of business of a licensee is changed from the address(es) provided on any License and/or changed from the preferred mailing address provided to the Department, on the application, the licensee shall file written notice thereof with the Department via the License Correction Form (Appendix J) within ten working days of the change. The following information shall be provided by the dispenser: the dispenser's corrected business address, phone and business county, and an indication if the correction is for a duplicate license, for a new license (a new business address), for the deletion of a current license business address or for a change in the preferred mailing address. The Department shall confirm in writing to the dispenser that the changes have been made in the dispenser's records.
- c) Except at those places of business where the consumer can receive hearing aid services via another licensee's dispenser, who can be contacted at the dispenser's former business address and phone number, dispensers who make a change in their business location shall leave a forwarding address, with the post office, for at least one year and a forwarding phone number, with the phone company, for at least four months, so that consumer(s) and the Department can contact the dispenser.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.240 Display of License

- a) Persons engaged in the selling, practice of fitting, dispensing or servicing hearing aids or who display a sign, advertise or represent themselves as a person who practices the fitting and selling of hearing aids after January 1, 1985, shall possess a current Department Hearing Aid Dispenser License

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

that shall be conspicuously displayed in the place of business in accordance with Section 5 of the Act (Ill. Rev. Stat. 19875, ch. 111, par. 7405). The address on the license shall be the same as the address of the place of business where hearing aids are dispensed where only one place of business is used.

- 1) When more than one place of business is in operation, more than 8 hours per week annually, a duplicate license with the address of the additional place of business(es) shall be displayed.
- 2) If any place of business is in operation less than 8 hours per week annually, or if the dispensing is done in a consumer's home, a duplicate license with the address of the main place of business shall be displayed.
- b) When a hearing aid dispenser opens a new place of business, prior to the commencement of business at the new address, an additional license, with the new address, shall be displayed.
- c) When engaged in dispensing activities a dispenser shall produce the hearing aid dispenser license upon request of any member of the public, employee of the Department, or employee of a law enforcement agency.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.250 Expiration of License Renewals

- a) Licensed Hearing Aid Dispenser License shall be valid for two years.
- 1) The fee for renewal of the license and duplicate license(s) shall be \$80.60 for the next two year period.
- 2) The Department shall send renewal and expiration notices to the licensee. The licensee shall send a completed License Renewal Form (Appendix H) and the License Renewal Fee to the Department, post marked no later than 30 days prior to the expiration date on the license. Failure to receive a notice to renew shall not relieve the licensee of the obligation to pay the renewal fee 30 days prior to the expiration date on the license.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) Temporary Licensed Hearing Aid Dispensers, who pass the hearing aid dispenser examination, shall complete the Licensee Authorization Form and pay an \$8060 Licensee fee for the issuance of a License which shall be valid for two years.

- c) If the hearing aid dispenser's license has expired and the dispenser has not practiced for 5 years or more the dispenser must successfully complete the Department's Hearing Aid Dispenser examination (written and practicum) and pay all the required fees.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.260 Inactive Status Request

ANY LICENSED HEARING AID DISPENSER WHO NOTIFIES THE DEPARTMENT ON THE PRESCRIBED FORMS (See Appendix F), MAY PLACE SUCH LICENSEE IN INACTIVE STATUS. (Ill. Rev. Stat. 1987, ch. 111, par. 7420)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING AIDS.

Section 682.320 Tests Performed by Other Dispensers

Audiometric tests performed, within the previous six months, by another licensed dispenser can be used to make a hearing aid selection (See Section 682.330); however, it is the responsibility of the dispenser who sells the hearing aid to ensure that all tests required by these Rules have been conducted prior to dispensing a hearing aid. The seller is also responsible for the hearing aid which is dispensed.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.330 Hearing Aid Selection: Persons Eligible to Test and Recommend

Possession of a Department Hearing Aid Dispenser License is required for any person who performs tests which are used to recommend or for any person who makes the recommendation that a person obtain a specific or generic hearing aid by make and model or specification.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.350 Audiometric Tests for Replacement Hearing Aid

The minimum tests set forth in Section 682.300 are not required when the hearing aid is a REPLACEMENT OF A HEARING AID OF THE SAME MAKE AND MODEL.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Ill. Rev. Stat. 1987, ch. 111, par. 7418)(z).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART D: HEARING AID DISPENSER EXAMINATION

Section 682.410 Identification Needed to Take the Examination

The dispenser shall present the following at the examination site prior to taking the examination: an original registration form validated by the Department or the Educational Testing Service; identification with the applicant's name and signature; a driver's license or other similar photo identification, and his/her Department License I.D. Card or documents. No one may take the examination without each of these documents.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests. The written section shall be administered by the Educational Testing Service ~~twice-per~~ ~~calendar-year~~ and the practical tests shall be administered by the Department. These tests shall be administered at least annually.

- a) The examination shall cover those areas of knowledge specified in Ill. Rev. Stat. 1987, ch. 111, par. 7409. The examination shall also cover knowledge of the provisions of this act and the rules promulgated hereunder. A passing grade, for the written examination, shall be a minimum score of 53 correct answers out of 75 questions.

- 1) An applicant who failed the written examination may retake the examination. A second examination fee must be paid.
- 2) The Department shall not permit dispensers who have failed the written examination twice to take the written examination for a minimum of two years, less one week, following the second examination failed.
- 3) The following conditions must be met to take the written examinations for the third and fourth time:
 - A) The applicant shall file a petition via the Department to the Board requesting permission to retake the examination.

- i) The petitioner shall provide proof that they

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

have completed a minimum of 100 hours of courses and/or training in the areas of knowledge specified in Section 9 of the Act during the 2 year period specified in Section 682.420(a)(2) of these Rules. This proof shall be the title of the course(s)/training; the number of hours given for the course (an hour equaling 50 minutes of classroom instructions); the date(s) of the course(s)/training was offered; the location of the course; and the sponsor's name, address, phone number and signature verifying that the petitioner was in attendance for all hours for which credit is being submitted to meet these requirements.

- ii) The petitioner shall provide proof that they have not violated the provisions of the Act or these Rules by submitting and signing the following statement: I have not ever pleaded not to contendere or been convicted of a felony or misdemeanor under the laws of the United States or any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; nor am I subject to any currently effective injunctive or restrictive order as a result of the aforementioned action; and I have not violated the Hearing Aid Consumer Protection Act.

- B) The majority of the Board members must vote to recommend to the Director that the practitioner be allowed to retake the examination and the Director must concur with this recommendation.

- 4) The procedures for taking the written examination after failure of the third and fourth written examination and all successive pairs of written examinations shall be the same as the procedures outlined in Section 682.420(a)(3)(A) and (B) of this Part.

- 5) The written examination must be successfully completed before the practical examination can be taken.

- b) The practical examination shall consist of 4 areas:

- 1) Ear Mold Impressions: the candidate shall explain, to an examiner, the purpose for preparing the ear mold impression; describe the procedures followed

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

in preparing the ear mold impressions; demonstrate preparation of the ear mold impression materials and make an acceptable ear mold impression.

- 2) Pure Tone Audiometry: The candidate shall instruct an examiner before looking in the ear with an otoscope; look in the examiner's ear with the ear examination; identify the landmarks and findings of the ear examination; instruct the examiner prior to conducting pure tone audiometry; place the ear phone and bone conduction vibrator on the examiner; and obtain the air conduction and bone conduction hearing threshold at 1000Hz and 2000Hz for both right and left ear and record the results on an audiogram.

- 3) Speech Audiometry: The candidate shall set up an audiometer for speech audiometric testing; instruct the examiner prior to conducting speech reception threshold (SRT) measurements; compute and record the speech reception threshold; instruct the examiner prior to conducting speech discrimination measurement; compute and record the speech discrimination score; instruct the examiner for obtaining the most comfortable loudness level and uncomfortable loudness level.

- 4) Hearing Aid: The candidate shall use a battery tester; test eight hearing aid batteries and identify the weak or dead batteries; examine seven malfunctioning hearing aids; and correctly identify the problem areas in those hearing aids.

- c) The minimum passing scores for each area shall be as follows: Ear Mold Impression - 15 points out of 18, Pure Tone Audiometry 58 points out of 69, Speech Audiometry 14 points out of 19 and Hearing Aids 11 points out of 15.

- d) The fee for retake of each area failed shall be \$50 with a maximum retake charge for all four areas of \$150.

- e) If the dispenser chooses to retake the practical examination, all of the areas failed must be retaken on the same date and continuously.

- f) There shall be no limit on the number of times the practical test can be retaken.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.440 License Certificate Expiration Prior to Examination

If a dispenser's license expires before obtaining passing scores for the written and practical portions of the Illinois Department of Public Health Hearing Aid Dispenser Examination, the dispenser shall not dispense hearing aids.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.450 Examination Due Process

The results of a practicum examination may be appealed to the Board. The Board shall only hear an appeal for the most recent practicum examination taken at a scheduled board meeting. The appeal should be addressed to the Chairman of the Board via the Department. The appellant shall indicate the nature of their complaint and document their reasons for the complaint. A majority of the Board shall recommend one of the following: that the complaint is not valid; that a passing grade be awarded; or that the appellant may retake the examination at no cost.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART E: ETHICAL PRACTICE

Section 682.500 Dishonest, Unethical and Unprofessional Conduct

Dishonest, unethical and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions.

- a) Stating or implying, verbally or in writing, that the use of a hearing aid will restore normal hearing or preserve hearing or prevent or retard progression of hearing impairment.
- b) Physically abusing clients.
- c) Falsifying records.
- d) Representing, advertising, or implying that a hearing aid is guaranteed without providing full disclosure of the identity of the guarantor; the nature, the extent, and duration of the guarantee; including the existence of conditions or limitations.
- e) When a deposit of \$50 or more is given to a hearing aid dispenser, it shall be considered unethical conduct for the dispenser to use a contract/receipt which does not specify the time limit between the signing of the contract and the time of the delivery of the

aid(s). The time limit shall not exceed 45 calendar days and it shall be prominently displayed in ten point type on the contract/receipt. If the hearing aid is not available for delivery to the consumer/purchaser 45 calendar days after the date the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all his/her money refunded less the itemized cost of the examination and/or any custom made parts already received by the dispenser, which had been cost itemized on the contract/receipt when it was signed.

f) REPRESENTING THAT THE SERVICE OF A physician licensed to practice medicine in all of its branches WILL BE USED OR MADE AVAILABLE IN THE FITTING, ADJUSTMENT, MAINTENANCE OR REPAIR OF HEARING AIDS WHEN THAT IS NOT TRUE, OR USING THE WORDS "DOCTOR", "AUDIOLOGIST" "CLINIC", "CLINICAL AUDIOLOGIST", "CERTIFIED HEARING AID AUDIOLOGIST", "STATE LICENSED", "STATE CERTIFIED", "LICENSED ~~HEARING AID~~ HEARING AID DISPENSER", "BOARD CERTIFIED HEARING INSTRUMENT SPECIALIST", "HEARING INSTRUMENT SPECIALIST", OR ANY OTHER TERM, ABBREVIATION OR SYMBOL WHICH ~~WHEN IT~~ WOULD GIVE THE IMPRESSION THAT SERVICE IS BEING PROVIDED BY PERSONS WHO ARE LICENSED OR AWARDED A ~~HEAR~~ DEGREE OR TITLE, OR THAT THE PERSON'S SERVICE WHO IS HOLDING THE LICENSE ~~IS~~ ~~FF~~ ~~GA~~TE HAS BEEN RECOMMENDED BY A GOVERNMENTAL AGENCY OR HEALTH PROVIDER, WHEN SUCH IS NOT THE CASE. (Ill. Rev. Stat. 1985, ch. 111, par. 7418(u))

g) Any money back guarantee provision contained in a contract/receipt for the sale of a hearing aid which fails to specify the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; specify in the contract/receipt the procedure which must be followed in order to exercise one's rights under such guarantee; and specify and itemize any and all limitations or deductions which will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom ear molds or rental charges for wear and tear are prohibited.

h) Cheating or dishonesty by a dispenser on the examination shall be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act.

i) Submission of a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the endorsee with the indication of insufficient funds is evidence that this violation has occurred.

ii) Dispensing hearing aids without liability insurance.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.510 Advertising or Promotion

- a) Licenses who possess a Doctor's degree or possess any degree or title which contains the word "Doctor" shall indicate, in any advertisement regarding their qualifications, the abbreviation for that degree or title and the area of study for which the degree or title "doctor" was given.
- b) Licenses advertising in the State of Illinois relative to hearing aids shall indicate a permanent business address (place of business) in the advertisement.
- c) Advertising a price for a "used" or "reconditioned" hearing aid without indicating that the advertised price is for a "used" or "reconditioned" hearing aid is prohibited.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART F: DISCIPLINARY ACTIONS

Section 682.610 Disciplinary Action

Disciplinary actions by the Department shall be in the following order of severity: letter of reprimand, probation, suspension of license, denial of license or revocation of license. The severity of the disciplinary action shall be determined by the number of violations which have occurred; previous disciplinary actions which have been taken against a dispenser; conviction of the dispenser, for felonies or misdemeanors involving fraud or dishonesty, especially those convictions which are related to hearing aid dispensing; the effect of the violation on a consumer versus a non-consumer related violation; and the dispenser's degree of cooperation in resolving a complaint which is a violation. THE DEPARTMENT, WITH THE APPROVAL OF THE BOARD, MAY IMPOSE A FINE NOT TO EXCEED \$250 PLUS COSTS FOR THE FIRST VIOLATION AND NOT TO EXCEED \$1,000 PLUS COSTS FOR EACH SUBSEQUENT VIOLATION OF THIS ACT, AND THE RULES PROMULGATED HEREUNDER, ON ANY PERSON OR ENTITY DESCRIBED IN THIS ACT. SUCH FINE MAY BE INVOKED AS AN ALTERNATIVE TO ANY OTHER DISCIPLINARY MEASURE, EXCEPT FOR PROBATION, AS SET FORTH IN THIS SECTION. THE IMPOSITION BY THE DEPARTMENT OF A FINE FOR ANY VIOLATION WILL NOT BAR SUCH VIOLATION FROM BEING ALLEGED IN SUBSEQUENT DISCIPLINARY PROCEEDINGS. SUCH FINE SHALL BE DEPOSITED IN THE FUND.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682.620 Restoration of Revoked or Suspended Licenses

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Persons whose licenses have been suspended or revoked may petition the Board for restoration of the license.

- a) The applicant shall specify the reasons for the restoration of the license.
- b) The applicant shall affirm, by signature and date, that during the period that the license was revoked or suspended, the applicant has not pleaded nolo contendere or been convicted of a felony or misdemeanor under the laws of the United States, any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; is not subject to any currently effective injunctive or restrictive order as a result of the aforementioned actions; and has not engaged in dispensing activities as described in Section 5 and Section 3(j) of the Act.
- c) The Board and Department shall be guided in the restoration of the license, by the nature of the actions which caused the license to be suspended or revoked. The standards by which the Board shall be guided in its recommendation for the restoration of a license shall be as follows:
 - 1) the number of violations which resulted in the revocation or suspension;
 - 2) previous disciplinary actions which have been ordered against the dispenser;
 - 3) conviction of the dispenser for felonies or misdemeanors involving fraud or dishonesty, during the period of revocation or suspension;
 - 4) evidence of hearing aid dispensing after license revocation or suspension;
 - 5) the effect of the violations, which resulted in the suspension or revocation, on consumers; and
 - 6) settlement of all consumer claims against the dispenser.
- d) Falsification of any information provided to the Department or Board shall be grounds for refusal to restore the license, suspension or revocation of the license.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

1. I.D. # _____

2. LAST NAME (20 SPACES LIMITATION) _____

3. SOCIAL SECURITY # _____

4. FIRST NAME & MIDDLE INITIAL (19 SPACES) _____

5. MO. DAY YR. 6. SEX
BIRTHDATE _____

7. HOME MAILING ADDRESS: STREET OR P.O. BOX (32 SPACES) _____

8. CITY - SPELL CITY COMPLETELY IF POSSIBLE (28 SPACES) _____

9. STATE _____

10. ZIP CODE (9 SPACES) _____

11. COUNTY (11 SPACES) _____

12. HOME PHONE (AC & NO) _____

13. BUSINESS OR AGENCY NAME (32 SPACES) _____

14. BUSINESS MAILING ADDRESS: STREET, ROUTE, OR P.O. BOX (32 SPACES) _____

15. CITY - SPELL CITY COMPLETELY IF POSSIBLE (28 SPACES) _____

16. STATE _____

17. ZIP CODE (9 SPACES) _____

18. COUNTY (11 SPACES) _____

19. BUSINESS PHONE (AC & NO) _____

HIGHEST LEVEL
OF EDUCATION
COMPLETED:

22. HS 23. B.S. / 24. M.S. / 25. Ph.D. / 26.
Diploma B.A. M.A. Ed.D. M.D.

NOTICE OF PROPOSED AMENDMENTS

NAME CITY STATE DEGREE YR.

27. ☐ ASHA-C.C.C.-A, AUDIOLOGIST, 28. ☐ CERT. OF NAT'L. 29. ☐ OTHER
OR ELIGIBLE FOR C.C.C. HEARING AID SOCIETY

30. OR ☐ --HEARING-AID
PRIMARY SUPERVISOR'S NAME LICENSE CERTIFICATION MANUFACTURER'S
I. D. # REPRESENTATIVE

TEMPORARY LICENSEE: ~~IF~~ APPLICANTS MUST ATTACH IDPH VERIFICATION OF TRAINING AND SUPERVISION AGREEMENT TO THIS APPLICATION.

31. ☐ ☐ NUMBER OF YEARS HEARING AID DISPENSED APPLICANT HAS DISPENSED ☐ ☐ HEARING AIDS

32. ☐ YES ☐ NO HAS APPLICANT EVER PLEADED NOLO CONTENDERE OR BEEN CONVICTED OF A FELONY OR MISDEMEANOR UNDER THE LAWS OF THE UNITED STATES OR ANY STATE OR TERRITORY; BEEN DISCIPLINED BY ANOTHER GOVERNMENTAL OR PROFESSIONAL ASSOCIATION FOR ACTIONS WHICH INVOLVED FRAUD OR DISHONESTY; OR SUBJECT TO ANY CURRENTLY EFFECTIVE INJUNCTIVE OR RESTRICTIVE ORDER AS A RESULT OF THE AFOREMENTIONED ACTIONS?

IF ANSWER IS YES, APPLICANT MUST PROVIDE A DETAILED EXPLANATION OF THE VIOLATION INCLUDING DATES, LOCATION AND COURT DOCKET NUMBER.

33. ☐ YES ☐ NO IS APPLICANT A U.S. CITIZEN OR LEGAL ALIEN? IF ALIEN, INDICATE ALIEN REGISTRATION NUMBER:

34. ☐ YES ☐ NO IS APPLICANT FREE OF INFECTIOUS OR CONTAGIOUS DISEASE?

IDPH USE ONLY				
<input type="checkbox"/> INACTIVE	<input type="checkbox"/> DROPPED	<input type="checkbox"/> REVOKED	<input type="checkbox"/> SUSPENDED	<input type="checkbox"/> PROBATION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

35. BUSINESS: IDPH REGION # AND COUNTY CODE

36. MO DAY YR ISSUED 37. MO DAY YR EXPIRES

FEES

LICENSE APPLICATION FEE: \$3525 - DO NOT SEND CASH

AMOUNT OF CHECK \$

FEES ARE NOT REFUNDABLE.

ALL CHECKS MUST BE MADE OUT AS SHOWN IN THE EXAMPLE -
TO: IDPH - HEARING AID PROGRAM

A SELF ADDRESSED POST CARD MUST BE ENCLOSED FOR ACKNOWLEDGEMENT OF THE RECEIPT OF THIS APPLICATION AND FEE.

HEARING AID CONSUMER COMPLIANCE STATEMENT

I AFFIRM THAT I WILL COMPLY WITH THE PROVISIONS OF THE HEARING AID CONSUMER PROTECTION ACT, THE RULES AND REGULATIONS ISSUED AND THE REGULATIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION. I AFFIRM THAT THE INFORMATION GIVEN BY ME IN THIS APPLICATION IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF A FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

SIGNATURE DATE

SEND APPLICATION AND CHECK TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761
PHONE: 217/782-4733

PLEASE REVIEW THE APPLICATION TO ENSURE THAT ALL REQUESTED INFORMATION HAS BEEN GIVEN AND THAT ALL REQUESTED MATERIALS ARE ENCLOSED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 682. Appendix B Supervision and Training Agreement Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT, PROMOTION AND SCREENING
HEARING AID CONSUMER PROGRAM

HEARING AID DISPENSER
SUPERVISION AND TRAINING AGREEMENT
FOR
TEMPORARY LICENSEE CERTIFICATE APPLICANT

All applicants for an Illinois Department of Public Health Temporary License Certificate must be employed (supervised) by a Licensed Certified Hearing Aid Dispenser as defined in the Illinois Hearing Aid Consumer Protection Act. If the applicant is starting a hearing aid dealership as sole owner, partner, or employee-manager for a corporation, this supervision may also be provided by the representative of a hearing aid manufacturer.

I affirm that I _____ will be responsible for the acts of " _____ made in the fitting, dispensing and servicing of hearing aids, while the applicant "is under my supervision as a Temporary Licensed Certified Hearing Aid Dispenser" as though the actions were committed by me.

Signature of Primary Supervisor and Date _____

Licensed _____ Supervisor's Employer
Certified Dispenser _____ Manufacturer's Representative

Address: _____ Company Name: _____

_____ Address: _____

Phone: () _____

License Certificate I. D. # _____

Observer(s) See Back of Form

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date)
Please Print _____

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

682. Appendix C Licensee Authorization Form

HEARING AID DISPENSER
LICENSEE AUTHORIZATION FORM
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION
AND SCREENING HEARING AID
CONSUMER PROTECTION PROGRAM

_____ FEE VALIDATION _____

Licensee Fee I.D. #: _____

Misc. Fee (Duplicate Licensee) I.D. #: _____ I. D. # _____

IDPH USE ONLY

Please print or type the name of the person who will be issued the license, the business name and address where it will be displayed and the addresses for each location from which the licensee will dispense hearing aids.

Name: _____		First _____	Middle _____	Last _____
Business:	_____	Business:	_____	Name _____
Address:	_____	Address:	_____	_____
County:	_____	County:	_____	_____
Phone:	_____	Phone:	_____	_____
	(A/C) Number _____		(A/C) Number _____	
Business:	_____	Business:	_____	Name _____
Address:	_____	Address:	_____	_____
County:	_____	County:	_____	_____
Phone:	_____	Phone:	_____	_____
	(A/C) Number _____		(A/C) Number _____	
Business:	_____	Business:	_____	Name _____
Address:	_____	Address:	_____	_____
County:	_____	County:	_____	_____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Phone: _____ (A/C) Number _____ (A/C) Number _____

The Licensee Fee is \$4030. The duplicate Licensee Fee is \$10 per Licensee. If additional duplicate Licensees are needed, please duplicate this form.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix D Certificate of Insurance

Name and Address of Agency	COMPANIES AFFORDING COVERAGES				
	Company Letter	A	Company Letter	B	Company Letter
	Company Letter	C	Company Letter	D	Company Letter
	Company Letter	E			
Name and Address of Insured	Company Letter	C	Company Letter	D	Company Letter
	Company Letter	E			

This is to certify that policies of insurance listed below have been issued to the insured named above and are in force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

Company Letter	Type of Insurance	Policy Number	Policy Expiration Date	Limits of Liability in Thousands (000)	
				Each Occurrence	Aggregate
A	GENERAL LIABILITY				
	<input type="checkbox"/> Comprehensive Form				
	<input type="checkbox"/> Premises--Operations				
	<input type="checkbox"/> Explosion and Collapse Hazard				
	<input type="checkbox"/> Underground Hazard				

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

<input type="checkbox"/> Products/completed Operations Hazard	<input type="checkbox"/> Contractual insurance	<input type="checkbox"/> Broad Form Property Damage	<input type="checkbox"/> Independent Contractors	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Bodily Injury and Property Damage Combined
AUTOMOBILE LIABILITY	<input type="checkbox"/> Comprehensive Form				
	<input type="checkbox"/> Owned				
	<input type="checkbox"/> Hired				
	<input type="checkbox"/> Non-Owned				
EXCESS LIABILITY	<input type="checkbox"/> Umbrella Form				
	<input type="checkbox"/> Other than Umbrella Form				

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

A	WORKERS' COMPENSATION and EMPLOYERS' LIABILITY		Statutory	
	OTHER			

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES

Professional Liability/Malpractice

Cancellation: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail _____ days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

NAME AND ADDRESS OF CERTIFICATE HOLDER	Date Issued: _____
Illinois Department of Public Health	
Division of Health Assessment and Screening	
Hearing Aid Consumer Protection Program	BY _____
1535 West Jefferson Street	
Springfield, Illinois 62761	

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix E Surety Penal Bond

COUNTY OF _____)
STATE OF ILLINOIS) ss

SURETY PENAL BOND

TEMPORARY LICENSEE CERTIFICATE

HEARING AID CONSUMER PROTECTION ACT

We (I), _____, of _____, State of Illinois, as principal, and a corporation incorporated under the laws of the State of Illinois, and duly licensed to transact a surety business in the State of Illinois, as surety, as indebted to the People of the State of Illinois, in the penal sum of Five Thousand Dollars (\$5,000.00), for which payments we bind ourselves and our legal representatives and successors, jointly and severally.

The condition of this obligation is that principal has applied for a Temporary Licensee Certificate to dispense, fit or service hearing aids from the Illinois Department of Public Health in accordance with Section 11 of the Hearing Aid Consumer Protection Act and to furnish a bond therefore on the terms and conditions set forth therein.

If, for the period covered by the Temporary Licensee Certificate, principal and all his agents and employees faithfully conform to and abide by the provisions of the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.) and the Rules and Regulations promulgated thereunder together with all amendatory and supplementary acts thereof, now and hereafter enacted, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

This bond is intended to comply with the requirements of Section 7411 of Chapter 111 of the Illinois Revised Statutes and is a penal bond.

IN WITNESS WHEREOF, the parties have executed this bond on the _____ day of _____, 19____.

PRINCIPAL _____
SURETY _____
BY ATTORNEY-IN-FACT AND AGENT _____
(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Hearing Aid Consumer Protection Program
Division of Health Assessment, Promotion and Screening

(Source: Amended at 14 Ill. Reg. , effective)

, to have my hearing aid dispenser's license reeetificatee

put on an inactive status. I recognize that this will exempt me from payment of all license ~~renewal~~ renewal fees during the time of my inactive status.

I will do the following:

1. Notify the Illinois Department of Public Health in writing when I wish to resume the practice of fitting, dispensing, and servicing hearing aids, in Illinois.
2. Pay the current ~~license~~~~fee~~ renewal fee and provide evidence that the continuing education requirements have been met during the inactive period.
3. provide the Department with sworn evidence certifying the active practice of dispensing hearing aids in another jurisdiction if any inactive status is more than five (5) years.

I will not dispense hearing aids in Illinois while my license is on an inactive status.

I have read and fully understand the above provisions. I have enclosed my Illinois Department of Public Health Hearing Aid Dispenser License Certificate and all duplicates.

Signature and Date

License Identification ID#

IDPH Use Only

The above _____, effective _____,
 _____ (Name of Dispenser) _____ (Date)

is acknowledged, by the Illinois Department of Public Health Hearing Aid Consumer Protection Program, to be on inactive status as provided in the Hearing Aid Consumer Protection Act.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix G Registration of Hearing Aid Dispensers Employed by a
Hearing Aid Corporations, Partnerships, Trusts, Associations or
Entities

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT, PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM

PLEASE TYPE OR PRINT

Business Name: _____
Address: _____
County: _____
Phone: _____
Owner: _____ Name: _____
Manager: _____ Name: _____

The above named business employs the following hearing aid dispensers.

LICENSED/CERTIFIED HEARING AID DISPENSERS

Name (Last, First & Initial)

	License Certification I.D. #
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____

TEMPORARY LICENSED/CERTIFIED HEARING AID DISPENSERS

Name (Last, First & Initial)

	License Certification I.D. #
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

6. _____
7. _____
8. _____

If additional space is needed, please type or print the additional names or
business location under the appropriate headings on a separate sheet. If
there are subsequent deletions or additions to this disclosure, the Department
must be notified in writing.

VERIFICATION

"I affirm that the above business complies with the provisions of the Hearing
Aid Consumer Protection Act; the Rules issued pursuant to it; the regulations
of the Federal Food and Drug Administration (21 CFR 801.420 et seq.), and that
all persons employed by this business, engaged in the activity of fitting and
dispensing of hearing aids, as defined in the Hearing Aid Consumer Protection
Act, are listed on this Compliance Statement. I affirm that this Compliance
Statement is true, correct and complete. I understand that making a false,
misleading or incomplete statement can be grounds for disciplinary action by
the Illinois Department of Public Health."

SIGNATURE

DATE

BUSINESS TITLE

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix H Licensee Certificate Renewal Form

LICENSEE CERTIFICATE RENEWAL
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION
AND SCREENING CONSUMER PROTECTION PROGRAM
Validation

LICENSEE CERTIFICATE RENEWAL FEE IS \$80.00. (225)

If additional license certificates are needed due to a name change, address change or new location, please print the business name, address, county and phone number below. There is a fee of \$10 for each license certificate. (224)

Business: _____ Business: _____
Name _____ Name _____
Address: _____ Address: _____
County: _____ County: _____
Phone: _____ Phone: _____
(A/C) Number (A/C) Number

I AFFIRM THAT THE INFORMATION GIVEN, BY ME IN THIS LICENSE CERTIFICATE RENEWAL, IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF A FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

Signature _____ I.D. # Date _____

SEND LICENSEE CERTIFICATE RENEWAL AND CHECK TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET, 3rd FLOOR
SPRINGFIELD, ILLINOIS 62761

Incomplete Renewal Forms and incorrect amounts on the check will cause all materials to be returned.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix I Audiometer Calibration Form

HEARING AID CONSUMER PROTECTION PROGRAM AUDIOMETER CALIBRATION FORM

Business

Name:

Address:

(City) _____ (State) _____ (Zip) _____

(County) _____ (Telephone) _____

(Owner/Manager)

* * *

Please list the make, model, serial number and the date of the last ANSI calibration for each audiometer you use in the dispensing of hearing aids.

By statute, audiometers must be calibrated annually. (Ill. Rev.

Audiometer	Model	Serial #	Date of Last Calibration

I AFFIRM THAT THE INFORMATION, GIVEN BY ME, ON THIS FORM IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

Signature

License# I.D.# Date

[illegible]

RETURN BY DECEMBER 1, TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT, PROMOTION AND SCREENING

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET, THIRD FLOOR
SPRINGFIELD, ILLINOIS 62761

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 682. Appendix J License Certificate Correction Form

HEARING AID DISPENSER
LICENSEE
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT
AND SCREENING HEARING AID CONSUMER
PROTECTION PROGRAM

FEE VALIDATION

LicenseGeneration Fee I.D. #:

Misc. Fee (Duplicate License Certificate) I.D. #:

IDPH USE ONLY

Please print or type the name of the licensed ~~dispenser~~ or temporary licensed ~~dispenser~~ and indicate any changes in their preferred mailing address or the business name and address from which hearing aids will be dispensed.

Name: _____ First _____ Middle _____ Last _____ I.D.# _____

Business: _____ Business: _____

Address: _____ Name _____

Address: _____

County: _____ County: _____

Phone: _____ Phone: _____

(A/C) _____ Number _____

(A/C) _____ Number _____

☐ New Preferred Mailing Address ☐ New Address ☐ Duplicate Address ☐ Delete

Business:	Name
Address:	
County:	
Phone:	
	(A/C) Number

☐ New Address ☐ New Address
☐ Duplicate Address ☐ Duplicate Address ☐ Delete ☐ Delete

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number
1010.745
1010.750 Proposed Action
 Repealed
 Repealed
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-100 et seq. and 2-104(b)).

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking has been proposed because Sections 1010.745 and 1010.750 have been replaced by Section 1010.710(e). The Signal 30 Permit for Foreign Registered Vehicles and the Signal 30-Year-Round for Prorated Fleets of Leased Vehicles have been replaced by the Temporary Prorate Authorization permit.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference?
No9) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1010.450	Amendment	13 Ill. Reg. 15357 (September 29, 1989)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

After careful consideration, the Secretary has determined that this rulemaking does not affect small businesses; therefore, the rules were not submitted to the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section
1010.210

Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410

Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.460 Special Plates for Members of the United States Armed Forces Reserves

Section
1010.470
1010.480

Dealer Plate Records
State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510

Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610
1010.620

Unlawful Acts, Fines and Penalties
Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705

Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registered Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)

NOTICE OF PROPOSED AMENDMENT(S)

- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "Intrastate" movements
- 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency amendments at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendments at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 1010.745 Signal 30 Permit for Foreign Registered Vehicles (Repealed)

- a) Where an application for a Reciprocity Permit or Prorate Decal is filed, a qualified applicant may also file an "Application Pending File Card" with the Secretary of State, for each unit affected. Such card is placed in the "Pending File" of a qualified applicant.
- b) A "qualified applicant" is one whose basic application for qualification has been processed by the Secretary of State and who is not in default to the State of Illinois.

NOTICE OF PROPOSED AMENDMENT(S)

- c) Such "Application Pending File Card" is valid for 30 days and during that period, the unit to which it applies may be operated pending the receipt of a Reciprocity Permit or Prorate Decal, and such vehicle will be given clearance by the Secretary of State in the event such unit is apprehended, and the police officer asks for such clearance, during said 30 day period.

(Source: Repealed at 13 Ill. Reg. _____, effective _____.)

Section 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)

- a) Where an application for Proration of a fleet of leased vehicles has been filed by the lessor who leases such vehicles to persons who are not fleet operators, and such application has been approved, then that qualified applicant may apply for the privilege of prequalifying for future proration, any vehicles which were not includable and not included within the proration application.
- b) The Secretary, upon receipt of the approved surety bond or certificate of deposit, submitted with such prequalification application, shall establish a permanent "Application Pending File Card" for such qualified applicant. Any vehicle listed on the prequalification application and operated by such qualified applicant which is not displaying the Illinois Prorate Decal will be given clearance by the Secretary of State in the event such vehicle is apprehended.
- c) Such year-round Signal 30 privilege shall continue in effect so long as the qualified applicant is not in default in filing supplemental proration applications or in making payment of fees and taxes due for proration of the registrations involved.
- d) In addition, that Signal 30 privilege is also subject to revocation for cause.

(Source: Repealed at 13 Ill. Reg. _____, effective _____.)

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section Numbers: 1020.70
Proposed Action:
New Section
- 4) Statutory Authority: Sections 3-501, 5-101 and 5-102 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-501, 5-101 and 5-102)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking simply prohibit rebuilders from selling salvage or rebuilt vehicles to individuals unless they are licensed as used or new car dealers.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1020.60	New Section	13 Ill. Reg. 5665 (April 21, 1989)
1020.10	Amendment	13 Ill. Reg. 14818 (September 22, 1989)

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Robert B. Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary does not feel that this rulemaking will have any effect on small businesses and this rulemaking was not submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the Proposed Amendment(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1020
DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

<u>Section</u>	<u>Dealers Established Place of Business</u>
1020.10	Required Records For Automotive Parts Recyclers and Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
1020.40	Inspection of Licensees Records and Premises
1020.50	Consignment Sales by Dealers
1020.70	Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 5-100 et seq. and 2-104(b)).

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 1020.70 Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

Rebuilders licensed under Section 5-301 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 5-301) shall not engage in the retail selling of salvage or rebuilt vehicles unless they are licensed as a new car dealer or used car dealer as provided in Sections 5-101 or 5-102 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 5-101 and 5-102).

(Source: Added at 13 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers:

310.107, 310.110	<u>Adopted Action:</u>
310.111	Amendments
310.221, 310.222, 310.230, 310.232, 310.233	New Section
310.502, 310.510, 310.522, 310.531, 310.542	Amendments
310.602, 310.604, 310.605, 310.606, 310.610	Amendments
310.611, 310.612, 310.613	New Sections
310.621, 310.631, 310.632, 310.633, 310.634	Amendments
310.801, 310.903	Amendments
310.910, 310.911, 310.912, 310.913, 310.920	New Sections
310.921, 310.922	New Sections
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027.
- 5) Effective Date of Amendments: November 27, 1989
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this amendment contain incorporations by reference?
Yes. This Part incorporates federal regulations and publications by reference. Section 13.3 of the Environmental Protection Act provides that Section 6.02 of the APA does not apply to this rulemaking.
- 8) Date filed in Board's Principal Office: Order adopted September 28, 1989.
- 9) Notice of Proposal Published in Illinois Register:
June 23, 1989, 13 Ill. Reg. 9426.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
The proposed text of 310.230(c) included the phrase, "capacity by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

rather." The Board corrected this to "capacity, but rather."

- The proposed text of 35 Ill. Adm. Code 310.602(h) erroneously indicated deletions from the existing rule, and 35 Ill. Adm. Code 310.602(i) was erroneously indicated as the wrong level of subsection. Further, the parallel text of 40 CFR 403.12(b), as amended at 53 Fed. Reg. 40613 (Oct. 17, 1988), indicated an anomaly in the corresponding federal rule. The text of both subsections (h) and (i), as proposed, were corrected and combined into subsections (h)(1) through (h)(2)(C) in the final rule.
- The Board restored text erroneously omitted from proposed 35 Ill. Adm. Code 310.913. The text of proposed subsections 310.913 (a) through (c) now appear as subsections 310.913(a)(1) through (a)(3) in the final rule, and the previously omitted text appears as subsection 310.913(b).
- The proposed text of 35 Ill. Adm. Code 310.922 did not include the text of 40 CFR 403.18(c)(3). The Board corrects this omission by addition of new subsections (c)(1) through (c)(3).
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
 - Section 13.3 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
 - 13) Will this amendment replace an emergency amendment currently in effect?
No.
 - 14) Are there any other amendments pending on this Part? No.
 - 15) Summary and Purpose of Amendments:
A complete description is contained in the Board's Proposed Opinion of May 11, 1989 in R89-3, which Opinion is available from the address below.
This proposal amends the Board's pretreatment rules, which govern discharges by industrial users to publicly owned treatment works (POTWs). The rules are intended to prevent industrial discharges from passing through POTW treatment plants without adequate treatment to waters of the State and to prevent industrial discharges from interfering with the operation of the treatment plant. The Board's pretreatment rules are contained in 35 Ill. Adm. Code 307 and 310. This rulemaking updates the pretreatment rules to correspond with amendments to the USEPA pretreatment rules during the period July 1 through December 31, 1988.
The amendments to Part 310 are derived from 53 Fed. Reg. 40610, October 17, 1988. These concern approval of pretreatment programs for POTW's, and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the regulation of industrial discharges. The following are major proposed changes:

- 310.510 POTW's must be able to seek civil or criminal penalties of at least \$1000 per day against industrial users
- 310.602 Baseline report requirements.
- 310.606 Slug loading report
- 310.612, 310.613 Annual POTW Report, and Notification of Changed Discharge Report.
- 310.912 Notice of Bypass
- 310.920 et seq. Modification of POTW pretreatment programs

16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Illinois Pollution Control Board
100 W. Randolph
Chicago, IL 60601
312-814-6924

The full text of the Adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

- Section 310.101 Applicability
- 310.102 Objectives
- 310.103 Federal Law
- 310.104 State Law
- 310.105 Confidentiality
- 310.107 Incorporations by Reference
- 310.110 Definitions
- 310.111 New Source

SUBPART B: PRETREATMENT STANDARDS

- Section 310.201 General Prohibitions
- 310.202 Specific Prohibitions
- 310.210 Specific Limits Developed by POTW
- 310.211 Local Limits
- 310.220 Categorical Standards
- 310.221 Category Determination Request
- 310.222 Deadline for Compliance with Categorical Standards
- 310.230 Concentration and Mass Limits
- 310.232 Dilution
- 310.233 Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

- Section 310.301 Special Definitions
- 310.302 Authority
- 310.303 Conditions for Authorization to Grant Removal Credits
- 310.310 Calculation of Revised Discharge Limits
- 310.311 Demonstration of Consistent Removal
- 310.312 Provisional Credits
- 310.320 Compensation for Overflow
- 310.330 Exception to POTW Pretreatment Requirements
- 310.340 Application for Removal Credits Authorization
- 310.341 Agency Review
- 310.343 Assistance of POTW
- 310.350 Continuation of Authorization
- 310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal
SUBPART E: POTW PRETREATMENT PROGRAMS	
Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal
SUBPART F: REPORTING REQUIREMENTS	
Section	
310.601	Definition of Control Authority
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

310.606	Notice of Slug Loading Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTW's
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS	
Section	
310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors which are Not Fundamentally Different
310.706	More Stringent State Law
310.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests
SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE	
Section	
310.801	Net/Gross Calculation by USEPA
SUBPART I: UPSETS	
Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset
310.906	User Responsibility in Case of Upset
SUBPART J: BYPASS	
Section	
310.910	Definitions
310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912	Notice
310.913	Prohibition of Bypass
SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS	
Section	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

310.920 General
 310.921 Procedures
 310.922 Substantial Modifications

AUTHORITY: Implementing and authorized by Sections 13, 13.3 and 27 of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1013, 1013.3, and 1027 as amended by P.A. 88-1048, effective January 1, 1989).

SOURCE: Adopted in R86-44 at 12 111. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 111. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 111. Reg. 19243 effective November 27, 1989.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833.

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.

b) The following provisions of the Code of Federal Regulations are incorporated by reference:

40 CFR 2.302 ~~{1987}~~ {1988}

40 CFR 25 ~~{1987}~~ {1988}

40 CFR 122, Appendix D, Tables II and III ~~{1987}~~ {1988}

40 CFR 128.140(b) (1977)

40 CFR 136 ~~{1987}~~ {1988}

40 CFR 403 ~~{1987}~~ {1988}

40 CFR 403, Appendix D ~~{1987}~~ {1988}

c) The following federal statutes are incorporated by reference:

Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1987 1988

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1987 1988

Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901) as of July 1, 1987 1988

d) This Part incorporates no future editions or amendments.

(Source: Amended at 13 111. Reg. 19243, effective Nov. 27, 1989)

Section 310.110 Definitions

"Act" means the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.)

"Agency" means the Illinois Environmental Protection Agency.

"Approval Authority" means the Agency.

BOARD NOTE: Derived from 40 CFR 403.3(c) ~~{1987}~~ {1988}.

"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW which has been approved by the Agency in accordance with Sections 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d) ~~{1987}~~ {1988}.

"Authorization to discharge" means an authorization issued to an industrial user by a POTW which has an approved pretreatment program. The authorization may consist of a permit, license, ordinance or other mechanism as specified in the approved pretreatment program.

"Blowdown" means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p) ~~{1987}~~ {1988}.

"Board" means the Illinois Pollution Control Board.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b) ~~{1987}~~ {1988}.

"Control authority" is as defined in Section 310.601.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA (33 U.S.C. 1317(b), (c) or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) ~~{1987}~~ (1988).

"Industrial User" or "User" means a source of indirect discharge. As used in this Part, an "industrial user" includes any person who meets any of the following criteria:

Discharges toxic pollutants as defined by 35 Ill. Adm. Code 307.1005.

Is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307.

Discharges more than 15% of the total hydraulic flow received by the POTW treatment plant.

Discharges more than 15% of the total biological loading of the POTW treatment plant as measured by the 5-day biochemical oxygen demand.

Has caused pass through or interference. Or,

Has presented an imminent endangerment to the health or welfare of persons.

BOARD NOTE: Derived from 40 CFR 403.3(h) ~~{1987}~~ (1988).

"Industrial wastewater" means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal in compliance with any "sludge requirements."

BOARD NOTE: Derived from 40 CFR 403.3(i) ~~{1987}~~ (1988).

"Municipal sewage" is sewage treated by a POTW exclusive of its

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

industrial component.

"Municipal sludge" is sludge produced by a POTW treatment works.

"Municipality." See "unit of local government."

"New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that category or subcategory "new source" as defined in Section 310.111.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) ~~{1987}~~ (1988).

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) ~~{1987}~~ (1988).

"NPDES Permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and 35 Ill. Adm. Code 309, Subpart A.

BOARD NOTE: Derived from 40 CFR 403.3(l) ~~{1987}~~ (1988).

"O and M" means operation and maintenance.

"Pass through" means a discharge of pollutants which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR 403.3(n) ~~{1987}~~ (1988).

"Person" means an individual, corporation, partnership, association, State, "unit of local government" or any interstate body. This term includes the United States government, the State of Illinois and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~{1987}~~ (1988) and 33 U.S.C. 1362(5).

"Pollutant" means dredged spoil, solid waste, incinerator residue,

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into a sewer.

BOARD NOTE: Derived from 40 CFR 401.11(f) {1987}(1988).

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) {1987}(1988).

"POTW" means "Publicly Owned Treatment Works," which is defined below.

"POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

BOARD NOTE: Derived from 40 CFR 403.3(p) {1987}(1988).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings which might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233.

BOARD NOTE: Derived from 40 CFR 403.3(q) {1987}(1988).

"Pretreatment permit" means an authorization to discharge to a sewer which is issued by the Agency as the control authority.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(r) {1987}(1988).

"Pretreatment standard," or "standard" means any regulation

containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102 and 307.1103. The term also includes local limits pursuant to Section 310.211 which are a part of an approved pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(j) {1987}(1988).

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

BOARD NOTE: Derived from 40 CFR 401.11(q) {1987}(1988).

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) {1987}(1988).

"Publicly owned treatment works" or "POTW" means a "treatment works" which is owned by the State of Illinois or a "unit of local government." This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "unit of local government" which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

BOARD NOTE: Derived from 40 CFR 403.3(o) {1987}(1988).

"Schedule of compliance" means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) {1987}(1988) and 33 U.S.C. 1362(17).

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 309.208 (Permits for Sites Receiving

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the Toxic Substances Control Act (15 U.S.C. 2601) or the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401).

BOARD NOTE: Derived from 40 CFR 403.3(i) (~~1987~~)(1988) and 403.7(a) (~~1987~~)(1988).

"Submission" means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(t) (~~1987~~)(1988).

"Treatment works" is as defined in 33 U.S.C. 1292(2) (~~1987~~)(1988). It includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal or industrial wastewater to implement 33 U.S.C. 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(o) (~~1987~~)(1988) and 33 U.S.C. 1292(2).

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. "Unit of local government" includes, but is not limited to, municipalities and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) (~~1987~~)(1988) and 33 U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.111 New Source

a) "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that category or subcategory, provided that:

1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (a)(2) or (a)(3) but otherwise alters, replaces or adds to existing process or production equipment.

c) Construction of a new source as defined in this Section has commenced if the owner or operator has:

1) Begun or caused to begin as part of a continuous onsite construction program:

A) Any placement assembly or installation of facilities or equipment; or

B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2) Entered into a binding contractual obligation for the purchases of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

d) New Sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources shall meet all applicable standards.

BOARD NOTE: Derived from 40 CFR 403.3(k), as added at 53 Fed. Reg. 40610, October 17, 1988 and 40 CFR 403.6(b), as amended at 53 Fed.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Reg. 40611, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART 8: PRETREATMENT STANDARDS

Section 310.221 Category Determination Request

a) Application deadline.

- 1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user shall request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards:

- A) The POTW or industrial user shall direct to USEPA any category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.
- B) After authorization of the Illinois program, the POTW or industrial user shall direct to the Agency any category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a subcategory under which an industrial user may be included.

- 2) A new source shall request this certification prior to commencing discharge.

- 3) If a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.

b) Contents of application. Each request shall contain a statement:

- 1) Describing which subcategories might be applicable; and
- 2) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section shall make the following certification:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information was obtained in accordance with the requirements of Section 310.221. Moreover, based upon my inquiry of these individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- c) Deficient requests. The Agency shall act only on written requests for determinations which contain all of the information required. The Agency shall notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Agency, the Agency shall deny the request for a determination.

d) Final determination.

- 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b), consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency shall then make a written determination of the applicable subcategory and state the reasons for the determination.
- 2) The Agency shall forward the determination described in subsection (d)(1) to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.
- 4) The Agency shall send a copy of the determination to the affected industrial user and the POTW. If the final determination is made by USEPA, the Agency shall send a copy of the determination to the user.
- e) Requests for hearing or legal decision.
 - 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4), the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).
 - 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsections (c), (d)(2) or (d)(4), the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a) (~~1986~~) (1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.222 Deadline for Compliance with Categorical Standards

- a) If a compliance date for an existing or new source categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:
 - 1) The date specified or incorporated by reference; or
 - 2) The date the Board adopts or incorporates the standard by reference; or
 - 3) The date USEPA approves the Illinois pretreatment program.
- b) If no compliance date for a categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:
 - 1) The date the Board adopts or incorporates the standard by reference; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) The date USEPA approves the Illinois pretreatment program.
- c) This Section shall not be construed as extending compliance dates for enforcement of categorical pretreatment standards pursuant to statutes and regulations existing prior to authorization of the Illinois pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.6(b) (~~1986~~) (1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.230 Concentration and Mass Limits

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards shall apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.
- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- c) A control authority calculating equivalent mass-per-day limitations under subsection (b) shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production shall be estimated using projected production.
- d) A control authority calculating equivalent concentration limitations under subsection (b) shall calculate such limitations by dividing the mass limitations derived under subsection (c) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.
- e) Equivalent limitations calculated in accordance with subsections (c) and (d) are deemed pretreatment standards. Industrial users shall be required to comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Limitations were derived.

f) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or 4-day average, limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.

g) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c) (1986)(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.232 Dilution

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate. POTW's may allow dilution to meet local limits developed under Section 310.210.

BOARD NOTE: Derived from 40 CFR 403.6(d)(1986)(1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243 effective Nov. 27, 1989)

Section 310.233 Combined Wastestream Formula

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the control authority shall derive fixed alternative discharge limits, which the control authority shall apply to the mixed discharge. When it is deriving alternative categorical limits, the control authority shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and average monthly limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user shall immediately report any such material or significant change to the control authority. Where appropriate, the control authority shall calculate new alternative categorical limits within 30 days.

a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The control authority shall derive the alternative limit for a specified pollutant by the use of either of the following formulas:

1) Alternative concentration limit.

$$C = (T-D) \text{SUM}(CiFi) / (T) \text{SUM}(Fi)$$

where

C = The alternative concentration limit for the combined wastestream.

Ci = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

Fi = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(Gi)" means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes Fi, D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

A) Boiler blowdown streams and non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d); and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,
- C) From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e).

2) Alternative mass limit.

$$M = (T-D) \text{SUM}(M_i) / \text{SUM}(F_i)$$

where

M = The alternative mass limit for a pollutant in the combined wastestream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(G_i)" means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i, D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams and non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d); and

B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,

- C) From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e).

- b) Alternative limits below detection. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit shall be as follows:

- 1) The type and frequency of sampling, analysis and flow measurement shall be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.

- 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring shall be done according to the most frequent schedule.

- 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows (F_i) is the flow which shall be used to determine self-monitoring frequency.

- d) Proviso to subsections (a)(1) and (a)(2). Where boiler blowdown, and non-contact cooling streams, stormwater streams and demineralizer backwash streams contain a significant amount of a pollutant and the combination of such streams, prior to pretreatment, with the industrial user's regulated process wastestreams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, shall determine whether such wastestreams should be classified as diluted or unregulated. In its application to the control authority, the industrial user shall provide engineering, production, sampling and analysis and such other information so the control authority can make its determination.

- e) Exemptions from categorical pretreatment standards. Process wastestreams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in Section 310.107, for one or more of the following reasons (see 40 CFR 403, Appendix D, incorporated by reference in Section 310.107.):

- 1) The pollutants of concern are not detectable in the discharge from the industrial user;
- 2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;
- 3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;
- 4) The wastestream contains only pollutants which are compatible with the POTW.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- f) Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e) (1986) (1988), as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 1.243, effective Nov. 27, 1989)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.502 Deadline for Program Approval

A POTW which meets the criteria of Section 310.501 must receive approval of a POTW pretreatment program no later than one year after the issuance, reissuance or renewal of the POTW's NPDES permit to require development of a pretreatment program. The POTW pretreatment program shall meet the criteria set forth in Section 310.510 and shall be administered by the POTW to ensure compliance by industrial users with applicable pretreatment standards and requirements.

BOARD NOTE: Derived from 40 CFR 403.8(b) (1986) (1988), as amended at 53 Fed. Reg. 50612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 1.243, effective Nov. 27, 1989)

Section 310.510 Pretreatment Program Requirements

A POTW pretreatment program shall meet the following requirements:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

enable the POTW to:

- 1) Deny or condition new or increased contributions of pollutants or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements;

4) Require:

- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
- B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in Subpart F;

- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA;

- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement.

- A) All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. The POTW shall pass legislation to seek and assess civil or criminal penalties for noncompliance by industrial users with pretreatment standards and requirements.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. POTW's whose approved pretreatment programs require modification to conform to the requirements of this subsection shall submit a request by November 16, 1989.

- B) Pretreatment requirements which will be enforced through the remedies set forth in subsection (a)(6)(A) will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a penalty which the Agency finds to be insufficient. The procedures for notice to industrial users where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision; and

- 7) Comply with the confidentiality requirements set forth in Section 310.105
- b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:
- 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection shall be made available to the Agency upon request.
 - 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1). This information shall be made available to the Agency upon request.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) Notify industrial users identified under subsection (b)(1) of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107.
 - 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D;
 - 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The results of these activities shall be made available to the Agency upon request;
 - 6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
 - 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were significantly violating applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under subsection (a)(6)(B).
- c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b).
- d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: See 40 CFR 403.8(f) ~~{1986}~~(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.522 Contents of Program Submission

The program description must contain the following information:

- a) A statement from the attorney or other official acting in a comparable capacity for the unit of local government that the POTW has authority adequate to carry out the programs described in Section 310.501 through 310.510. This statement shall:
 - 1) Identify the provision of the legal authority under Section 310.510(a) which provides the basis for each procedure under Section 310.510(b);
 - 2) Identify the manner in which the POTW will implement the program requirements set forth in Sections 310.501 through 310.510, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, contract, etc.); and,
 - 3) Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;
- b) A copy of any statutes, ordinances, regulations, contracts, agreements or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the POTW pretreatment program if approved;
- c) A brief description (including organization charts) of the POTW organization which will administer the pretreatment program. If more than one agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated and their procedures for coordination set forth; and
- d) A description of the funding levels and full- and part-time manpower available to implement the program;

BOARD NOTE: Derived from 40 CFR 403.9(b) ~~{1986}~~(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.531 Agency Action

Any POTW requesting POTW pretreatment program approval shall submit to the Agency three copies of the submission described in Section 310.522, and, if appropriate, Section 310.524. Upon a preliminary determination that the submission meets the requirements of Section 310.522, and, if appropriate, Section 310.524, the Agency shall, within 60 days after receiving the submission, the Agency shall make a preliminary determination of whether the submission meets the requirements of Section 310.522 and, if appropriate, Section 310.524. If the Agency makes the preliminary determination that the submission meets these requirements, the Agency shall:

- a) Notify the POTW that the submission has been received and is under review; and
- b) Commence the public notice and evaluation activities set forth in Section 310.540 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.9(e) ~~{1986}~~(1988), as amended at 53 Fed. Reg. 40612, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.542 Public Notice and Hearing

Upon receipt of a submission the Agency shall commence its review. Within 5 20 work days after making a determination that a submission meets the requirements of Section 310.522, and, where removal credit authorization allowance approval is sought, Sections 310.340 and 310.524, the Agency shall:

- a) Issue a public notice of request for approval of the submission;
 - 1) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include:
 - A) Mailing notices of the request for approval of the submission to:
 - i) Federal agencies as designated by USEPA;
 - ii) Regional planning agencies which participate in development of water quality management plans; and
 - iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and

- B) Publication of a notice of request for approval of the submission in the largest daily newspaper within the jurisdiction or jurisdictions served by the POTW.
- 2) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission.
- 3) All written comments submitted during the 30 day comment period shall be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency; and
- b) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission.

- 1) This request for public hearing shall be filed within the 30 day (or extended) comment period described in subsection (a)(2) and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.
- 2) The Agency shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.
- 3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B). In addition, notice of the hearing shall be sent to those persons requesting individual notice.

BOARD NOTE: Derived from 40 CFR 403.11(b) (1986) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART F: REPORTING REQUIREMENTS

Section 310.602 Baseline Report

Within the time limits specified in subsection (h), existing industrial users

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall submit to the control authority a report which contains the information listed in subsections (a) through (g). New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in subsections (a) through (e). Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b), incorporated by reference in Section 310.107, the industrial user shall not be required to submit this information again. New sources shall also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (d) and (e).

- a) Identifying information. The industrial user shall submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user shall submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user shall submit a brief description of the nature, average rate of production and standard industrial classification (SIC Code) of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d) Flow measurement. The industrial user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams as necessary to allow use of the combined wastewater formula of Section 310.233. (See subsection (e)(5)). The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- e) Measurement of pollutants.
 - 1) The industrial user shall identify the pretreatment standards applicable to each regulated process;
 - 2) In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

- 3) Where feasible, samples must be obtained through the flow proportional composite sampling techniques specified in the applicable categorical pretreatment standard. Where composite sampling is not feasible, a grab sample is acceptable. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority shall waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples shall be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

- 4) Where the flow of the stream being sampled is less than or equal to 950,000 liters/day (approximately 250,000 gpd), the industrial user must take three samples within a two-week period. Where the flow of the stream being sampled is greater than 950,000 liters/day (approximately 250,000 gpd), the user shall take six samples within a two-week period. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

- 5) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user shall measure the flows and concentrations necessary to allow use of the combined wastewater formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data shall be submitted to the control authority;

- 6) Analytical methods.

- A) The Board incorporates by reference 40 CFR 403.12(b) (1986) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988. This Part incorporates no future amendments or editions.

- B) Sampling and analysis shall be performed in accordance with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties;

- 7) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- 8) The baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C), by the combined wastewater formula (Section 310.233) or a fundamentally different factors determination (Subpart E) at the time the user submits the report required by this section, the information required by subsections (f) and (g) shall pertain to the modified limits.

- 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C), by the combined wastewater formula (Section 310.233) or a fundamentally different factors determination (Subpart E) after the user submits the report required by this section, any necessary amendments to the information requested by subsections (f) and (g) shall be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

submitted by the user to the control authority within 60 days after the modified limit is approved.

h) Deadlines for baseline reports.

- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40 CFR 403.12(b).
- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, i:
 - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.
 - B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit the baseline report within 90 days before beginning discharge.
 - C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A), are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) (~~1986~~) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.604 Report on Compliance with Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met or a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

consistent basis and, if not, what additional 0 and M or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in Section 310.633, and certified to by a qualified professional, containing the information described in Section 310.602(d) through (f). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with procedures in Section 310.230, this report must contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report must include the user's actual production during the appropriate sampling period.

BOARD NOTE: Derived from 40 CFR 403.12(d) (~~1986~~) (1988), as amended at 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.605 Periodic Reports on Compliance

- a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 310.602(d), except that the control authority may require more detailed reporting of flows. In consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may alter the months during which the above reports are to be submitted.

- b) Where the control authority has imposed mass limitations on industrial users as provided by Section 310.232, the report required by subsection (a) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

- c) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Section 310.230, the report required by subsection (a) must contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

report required by subsection (a) must include the user's actual average production rate for the reporting period.

BOARD NOTE: Derived from 40 CFR 403.12(e) (1986) (1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243 effective Nov. 27, 1989)

Section 310.606 Notice of Slug Loading Potential Problems

The industrial user shall notify the POTW immediately of any slug loading, as defined by Section 310.602 and 35 Ill. Adm. Code 307.1101, by the industrial user. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings as defined by Section 310.602 and 35 Ill. Adm. Code 307.1101, by the industrial user.

BOARD NOTE: Derived from 40 CFR 403.12(f) (1986) (1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.610 Monitoring and Analysis

- a) The reports required in Section 310.602(e), 310.604 and 310.605 shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the control authority, of pollutants contained in the discharge which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003 or with any other test procedures approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutants in question or where USEPA has determined as provided in Section 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other persons. This sampling and analysis may be performed by the control authority instead of the industrial user. Where the POTW performs the required sampling and analysis instead of the industrial user, the user is not required to submit the compliance certification required under Sections 310.602(f) and 310.604. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user is not required to submit the report.

- b) If sampling performed by an industrial user indicates a violation,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the user shall notify the control authority with 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

- 1) The control authority performs sampling at the industrial user at a frequency of at least once per month or
- 2) The control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

- c) The reports required in Section 310.605 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

- d) All analyses must be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003, or with any other test procedure approved by the Agency. Sampling shall be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutants in question, or where USEPA has determined as provided in Section 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures including procedures approved by the POTW or other persons.

- e) If an industrial user subject to the reporting requirement in Section 310.605 monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in subsection (d), the results of this monitoring shall be included in the report.

BOARD NOTE: Derived from 40 CFR 403.12(g) (1986) (1988), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.611 Requirements for Non-Categorical Users

The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 403.12(h), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.612 Annual POTW Reports

POTW's with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the following:

- a) An updated list of the POTW's industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirements.
- b) A summary of the status of industrial user compliance over the reporting period.
- c) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period. And,
- d) Any other relevant information requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(i), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.613 Notification of Changed Discharge

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.

BOARD NOTE: Derived from 40 CFR 403.12(j), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 310.621 Compliance Schedule for POTW's

The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program required by Sections 310.501 through 310.510.

- a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);
- b) No increment referred to in Section 310.621(a) shall exceed nine months;
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Agency including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(h) (1986) (1988), redesignated 40 CFR 403.12(k), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.631 Signatory Requirements for Industrial User Reports

The reports required by Sections 310.602, 310.604 and 310.605 must be signed by an authorized representative of the industrial user. An authorized representative must include the certification statement as set forth in Section 310.221(b)(2) and must be signed as follows:

- a) A principal executive officer of at least the level of vice president, if the industrial user submitting the reports required by Sections 310.602, 310.604 and 310.605 is a corporation. By a responsible corporate officer, if the industrial user submitting the reports required in Sections 310.602, 310.604 and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means:

- 1) A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

functions for the corporation; or

- 2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b) A general partner or proprietor, if the industrial user submitting the report required by Sections 310.602, 310.604 and 310.605 is a partnership or sole proprietorship, respectively.

- c) A duly authorized representative of the individual designated in subsections (a) or (b), if: such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

- 1) The authorization is made in writing by the individual described in subsections (a) or (b);

- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

- 3) The written authorization is submitted to the control authority.

- d) If an authorization under subsection (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

BOARD NOTE: Derived from 40 CFR 403.12(i) (1986) (1988), redesignated 40 CFR 403.12(l), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.632 Signatory Requirements for POTW Reports

Reports submitted to the Agency by the POTW in accordance with Section 310.621 must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

operation of the POTW.

BOARD NOTE: Derived from 40 CFR 403.12(j) (1986) (1988), redesignated 40 CFR 403.12(m), as amended by 53 Fed. Reg. 40613, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.633 Fraud and False Statements

The reports required by Sections 310.602, 310.604, 310.605, 310.611, 310.612 and 310.621 are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 U.S.C. 1001), incorporated by reference in Section 310.107, relating to fraud and false statements and the provisions of Section 309(c)(2) of the CWA governing false statements, representations or certifications in reports required under the CWA, and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR 403.12(k) (1986) (1988), redesignated 40 CFR 403.12(n), as amended by 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.634 Recordkeeping Requirements

- a) Any industrial user the POTW subject to the reporting requirements established in this Subpart shall maintain records of all information resulting from any monitoring activities required by this Subpart. Such records shall include for all samples:

- 1) The date, exact place, method and time of sampling, and the names of the person or persons taking the samples;
- 2) The dates analyses were performed;
- 3) Who performed the analyses;
- 4) The analytical techniques/methods use; and
- 5) The results of such analyses.

- b) Any industrial user or POTW subject to the reporting requirements established in this Subpart shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the Agency (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) Any POTW to which reports are submitted by an industrial user pursuant to Sections 310.602, 310.604 and 310.605 and 310.611 shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(1) (1986) (1988), redesignated 40 CFR 403.12(o), as amended at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section 310.801 Net/Gross Calculation by USEPA

USEPA may adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water as provided in 40 CFR 403.15 (1986) (1988), as amended at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART I: UPSETS

Section 310.903 Conditions Necessary for an Upset

An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that;

- a) An upset occurred and the industrial user can identify the specific cause or causes of the upset;
- b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- c) The industrial user has submitted the following information to the POTW and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days);

- 1) A description of the indirect discharge and cause of noncompliance;
- 2) The period of noncompliance, including exact dates and times or,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

if not corrected, the anticipated time the noncompliance is expected to continue;

- 3) Steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

BOARD NOTE: Derived from 40 CFR 403.16(c) (1986) (1988), as amended at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Amended at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART J: BYPASS

Section 310.910 Definitions

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

BOARD NOTE: Derived from 40 CFR 403.17(a), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Sections 310.912 and 310.913.

BOARD NOTE: Derived from 40 CFR 403.17(b), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.912 Notice

- a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least 10 days before the date of the bypass.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission must contain:

- 1) A description of the bypass and its cause,
- 2) The duration of the bypass, including exact dates and times and,
- 3) If the bypass has not been corrected, the anticipated time it is expected to continue and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

- c) The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

BOARD NOTE: Derived from 40 CFR 403.17(c), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.913 Prohibition of Bypass

- a) Bypass is prohibited unless:

- 1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- 3) The industrial user submitted notices as required under Section 310.912.

- b) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that the bypass will meet the requirements of subsection (a).

BOARD NOTE: Derived from 40 CFR 403.17(d), as added at 53 Fed. Reg. 40615, October 17, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMSSection 310.920 General

Either the Agency or a POTW with an approved POTW pretreatment program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW's submission, as approved under Section 310.541 through Section 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(a), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.921 Procedures

POTW pretreatment program modifications must be accomplished as follows for substantial modifications, as defined in Section 910.922.

- a) The POTW shall submit to the Agency a statement of the basis for the desired modification, a modified program description (See Section 310.510) or such other documents the Agency determines to be necessary under the circumstances.
- b) The Agency shall approve or disapprove the modification based on the requirements of Section 310.510, following the procedures in Section 310.542.
- c) The modification must be incorporated into the POTW's NPDES permit after approval pursuant to 35 Ill. Adm. Code 309.Subpart A.
- d) The modification becomes effective upon approval by the Agency. Notice of approval must be published in the same newspaper of the original request for approval of the modification under Section 310.542(a)(1)(B).

BOARD NOTE: Derived from 40 CFR 403.18(b), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

Section 310.922 Substantial Modifications

- a) The following are substantial modifications for purposes of this Section:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Changes to the POTW's legal authorities;
- 2) Changes to local limits, which result in less stringent local limits;
- 3) Changes to the POTW's control mechanism, as described in Section 310.510(a)(3);
- 4) Changes to the POTW's method for implementing categorical pretreatment standards (e.g. incorporation by reference, separate promulgation, etc.);
- 5) A decrease in the frequency of self-monitoring or reporting required of industrial users;
- 6) A decrease in the frequency of industrial user inspections or sampling by the POTW;
- 7) Changes to the POTW's confidentiality procedures;
- 8) Significant reductions in the POTW's pretreatment program resources (including personnel commitments, equipment and funding levels); and
- 9) Changes in the POTW's sludge disposal and management practices.
- b) The Agency may designate other specific modifications, in addition to those listed in subsection (a) as substantial modifications.
- c) A modification that is not included in subsection (a) is a substantial modification for the purposes of sections 310.920 through 310.922 if the modification:
 - 1) Would have a significant impact on the operation of the POTW's pretreatment program;
 - 2) Would result in an increase in pollution loadings at the POTW; or
 - 3) Would result in less stringent requirements being imposed on industrial users of the POTW.

BOARD NOTE: Derived from 40 CFR 403.18(c), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Added at 13 Ill. Reg. 19243, effective Nov. 27, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Numbers: Adopted Action:
307.7700, 307.7701, 307.7702, 307.7703, Amendments
307.7704 307.7705, 307.7706 Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027.
- 5) Effective Date of amendments: November 17, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference?
Yes. This Part incorporates federal regulations by reference. Section 13.3 of the Environmental Protection Act provides that Section 6.02 of the APA does not apply to this rulemaking.
- 8) Date filed in Board's Principal Office: Order adopted September 28, 1989.
- 9) Notice of Proposal Published in Illinois Register:
June 23, 1989, 13 Ill. Reg. 9471.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
The Board restored text omitted from the pre-existing text of 35 Ill. Adm. Code 307.7703(d)(3). The Board also removed proposed new text indicating an incorporation by reference that was erroneously included in that section. The Board intended no change in the text of the existing rule. Further, the incorporation by reference should have appeared as part of the update amendment to the Section 307.7703(d)(1) incorporation. Therefore, the final text of section 307.7703(d)(3) includes this language erroneously omitted from subsection (d)(1) and added to subsection (d)(3).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13.3 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will this amendment replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? Yes.

* Section Numbers	Proposed Action	Illinois Register Citation
307.1102	Amendment	May 19, 1989; 13 Ill. Reg. 7754

- 15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of September 28, 1989 in R89-3, which Opinion is available from the address below. Section 13.3 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proposal amends the Board's pretreatment rules, which govern discharges by industrial users to publicly owned treatment works (POTWs). The rules are intended to prevent industrial discharges from passing through POTW treatment plants without adequate treatment to waters of the State and to prevent industrial discharges from interfering with the operation of the treatment plant. The Board's pretreatment rules are contained in 35 Ill. Adm. Code 307 and 310. This rulemaking updates the pretreatment rules to correspond with amendments to the USEPA pretreatment rules during the period July 1 through December 31, 1988.

The proposed amendments update incorporations by reference affecting the aluminum forming category.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Illinois Pollution Control Board
100 W. Randolph
Chicago, IL 60601
312-814-6924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section
307.101 Preamble (Renumbered)
307.102 General Requirements (Renumbered)
307.103 Mercury (Renumbered)
307.104 Cyanide (STORET number 00720) (Renumbered)
307.105 Pretreatment Requirements (Repealed)
307.1001 Preamble
307.1002 Definitions
307.1003 Test Procedures for Measurement
307.1005 Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section
307.1101 General and Specific Requirements
307.1102 Mercury
307.1103 Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section
307.1501 Receiving Stations
307.1502 Fluid Products
307.1503 Cultured Products
307.1504 Butter
307.1505 Cottage Cheese and Cultured Cream Cheese
307.1506 Natural and Processed Cheese
307.1507 Fluid Mix for Ice Cream and other Frozen Desserts
307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1509 Condensed Milk
307.1510 Dry Milk
307.1511 Condensed Whey
307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section
307.1601 Corn Wet Milling
307.1602 Corn Dry Milling
307.1603 Normal Wheat Flour Milling
307.1604 Bulgur Wheat Flour Milling
307.1605 Normal Rice Milling
307.1606 Parboiled Rice Milling
307.1607 Animal Feed

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.1608 Hot Cereal
307.1609 Ready-to-eat Cereal
307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
307.1700 General Provisions
307.1701 Apple Juice
307.1702 Apple Products
307.1703 Citrus Products
307.1704 Frozen Potato Products
307.1705 Dehydrated Potato Products
307.1706 Canned and Preserved Fruits
307.1707 Canned and Preserved Vegetables
307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
307.1801 Farm-raised Catfish
307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
307.1901 Beet Sugar Processing
307.1902 Crystalline Cane Sugar Refining
307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
307.2000 General Provisions
307.2001 Wool Scouring
307.2002 Wool Finishing
307.2003 Low Water Use Processing
307.2004 Woven Fabric Finishing
307.2005 Knit Fabric Finishing
307.2006 Carpet Finishing
307.2007 Stock and Yarn Finishing
307.2008 Nonwoven Manufacturing
307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section
307.2101 Nonleaching
307.2102 Leaching
307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section
307.2201 General

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

307.2300 General Provisions
 307.2301 Electroplating of Common Metals
 307.2302 Electroplating of Precious Metals
 307.2304 Anodizing
 307.2305 Coatings
 307.2306 Chemical Etching and Milling
 307.2307 Electroless Plating
 307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section

307.2400 General Provisions
 307.2401 Rayon Fibers
 307.2402 Other Fibers
 307.2403 Thermoplastic Resins
 307.2404 Thermosetting Resins
 307.2405 Commodity Organic Chemicals
 307.2406 Bulk Organic Chemicals
 307.2407 Specialty Organic Chemicals
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
 307.2491 Complexed Metal-bearing Wastestreams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section

307.2500 General Provisions
 307.2501 Aluminum Chloride Production
 307.2502 Aluminum Sulfate Production
 307.2503 Calcium Carbide Production
 307.2504 Calcium Chloride Production
 307.2505 Calcium Oxide Production
 307.2506 Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
 307.2508 Hydrofluoric Acid Production
 307.2509 Hydrogen Peroxide Production
 307.2511 Potassium Metal Production
 307.2512 Potassium Dichromate Production
 307.2513 Potassium Sulfate Production
 307.2514 Sodium Bicarbonate Production
 307.2516 Sodium Chloride Production
 307.2517 Sodium Dichromate and Sodium Sulfate Production
 307.2520 Sodium Sulfite Production
 307.2522 Titanium Dioxide Production
 307.2523 Aluminum Fluoride Production
 307.2524 Ammonium Chloride Production
 307.2527 Borax Production

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2528 Boric Acid Production
 307.2529 Bromine Production
 307.2530 Calcium Carbonate Production
 307.2531 Calcium Hydroxide Production
 307.2533 Carbon Monoxide and Byproduct Hydrogen Production
 307.2534 Chrome Pigments Production
 307.2535 Chromic Acid Production
 307.2536 Copper Salts Production
 307.2538 Ferric Chloride Production
 307.2540 Fluorine Production
 307.2541 Hydrogen Production
 307.2542 Hydrogen Cyanide Production
 307.2543 Iodine Production
 307.2544 Lead Monoxide Production
 307.2545 Lithium Carbonate Production
 307.2547 Nickel Salts Production
 307.2549 Oxygen and Nitrogen Production
 307.2550 Potassium Chloride Production
 307.2551 Potassium Iodide Production
 307.2553 Silver Nitrate Production
 307.2554 Sodium Bisulfite Production
 307.2555 Sodium Fluoride Production
 307.2560 Stannic Oxide Production
 307.2563 Zinc Sulfate Production
 307.2564 Cadmium Pigments and Salts Production
 307.2565 Cobalt Salts Production
 307.2566 Sodium Chlorate Production
 307.2567 Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section
 307.2701 Soap Manufacturing by Batch Kettle
 307.2702 Fatty Acid Manufacturing by Fat Splitting
 307.2703 Soap Manufacturing by Fatty Acid Neutralization
 307.2704 Glycerine Concentration
 307.2705 Glycerine Distillation
 307.2706 Manufacture of Soap Flakes and Powders
 307.2707 Manufacture of Bar Soaps
 307.2708 Manufacture of Liquid Soaps
 307.2709 Oleum Sulfonation and Sulfation
 307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation
 307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation
 307.2712 Sulfamic Acid Sulfation
 307.2713 Chlorosulfonic Acid Sulfation
 307.2714 Neutralization of Sulfuric Acid
 307.2715 Manufacture of Spray Dried Detergents
 307.2716 Manufacture of Liquid Detergents
 307.2717 Manufacturing of Detergents by Dry Blending
 307.2718 Manufacturing of Drum Dried Detergents

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2719 Manufacture of Detergent Bars and Cakes
SUBPART S: FERTILIZER MANUFACTURING

Section
307.2801 Phosphate
307.2802 Ammonia
307.2803 Urea
307.2804 Ammonium Nitrate
307.2805 Nitric Acid
307.2806 Ammonium Sulfate Production
307.2807 Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section
307.2901 Topping
307.2902 Cracking
307.2903 Petrochemical
307.2904 Lube
307.2905 Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section
307.3000 General Provisions
307.3001 Cokemaking
307.3002 Sintering
307.3003 Ironmaking
307.3004 Steelmaking
307.3005 Vacuum Degassing
307.3006 Continuous Casting
307.3007 Hot Forming
307.3008 Salt Bath Descaling
307.3009 Acid Pickling
307.3010 Cold Forming
307.3011 Alkaline Cleaning
307.3012 Hot Coating

SUBPART V: NONFERROUS METALS MANUFACTURING

Section
307.3100 General Provisions
307.3101 Bauxite Refining
307.3102 Primary Aluminum Smelting
307.3103 Secondary Aluminum Smelting
307.3104 Primary Copper Smelting
307.3105 Primary Electrolytic Copper Refining
307.3106 Secondary Copper
307.3107 Primary Lead
307.3108 Primary Zinc
307.3109 Metallurgical Acid Plants
307.3110 Primary Tungsten

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3111 Primary Columbium-Tantalum
307.3112 Secondary Silver
307.3113 Secondary Lead
307.3114 Primary Antimony
307.3115 Primary Beryllium
307.3116 Primary and Secondary Germanium and Gallium
307.3117 Secondary Indium
307.3118 Secondary Mercury
307.3119 Primary Molybdenum and Rhodium
307.3120 Secondary Molybdenum and Vanadium
307.3121 Primary Nickel and Cobalt
307.3122 Secondary Nickel

307.3123 Primary Precious Metals and Mercury
307.3124 Secondary Precious Metals
307.3125 Primary Rare Earth Metals
307.3126 Secondary Tantalum
307.3127 Secondary Tin
307.3128 Primary and Secondary Titanium
307.3129 Secondary Tungsten and Cobalt
307.3130 Secondary Uranium
307.3131 Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section
307.3301 Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section
307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403 Slag Processing
307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

307.3405 Other Calcium Carbide Furnaces
307.3406 Electrolytic Manganese Products
307.3407 Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section
307.3500 General Provisions
307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502 Hair Save, Chrome Tan, Retan-Wet Finish
307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504 Retan-Wet Finish-Sides
307.3505 No Beamhouse
307.3506 Through-the-Blue
307.3507 Shearling
307.3508 Pigskin

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3509 Retan-Wet Finish-Splits
307.3590 Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section
307.3601 Insulation Fiberglass
307.3602 Sheet Glass Manufacturing
307.3603 Rolled Glass Manufacturing
307.3604 Plate Glass Manufacturing
307.3605 Float Glass Manufacturing
307.3606 Automotive Glass Tempering
307.3607 Automotive Glass Laminating
307.3608 Glass Container Manufacturing
307.3610 Glass Tubing (Danner) Manufacturing
307.3611 Television Picture Tube Envelope Manufacturing
307.3612 Incandescent Lamp Envelope Manufacturing
307.3613 Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section
307.3701 Asbestos-Cement Pipe
307.3702 Asbestos-Cement Sheet
307.3703 Asbestos Paper (Starch Binder)
307.3704 Asbestos Paper (Elastomeric Binder)
307.3705 Asbestos Millboard
307.3706 Asbestos Roofing
307.3707 Asbestos Floor Tile
307.3708 Coating or Finishing of Asbestos Textiles
307.3709 Solvent Recovery
307.3710 Vapor Absorption
307.3711 Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

Section
307.3801 Tire and Inner Tube Plants
307.3802 Emulsion Crumb Rubber
307.3803 Solution Crumb Rubber
307.3804 Latex Rubber
307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806 Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807 Large-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3808 Wet Digestion Reclaimed Rubber
307.3809 Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810 Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811 Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section
307.3900 General Provisions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3901 Barking
307.3902 Veneer
307.3903 Plywood
307.3904 Dry Process Hardboard
307.3905 Wet Process Hardboard
307.3906 Wood Preserving-Water Borne or Nonpressure
307.3907 Wood Preserving-Steam
307.3908 Wood Preserving-Boulton
307.3909 Wet Storage
307.3910 Log Washing
307.3911 Sawmills and Planing Mills
307.3912 Finishing
307.3913 Particleboard Manufacturing
307.3914 Insulation Board
307.3915 Wood Furniture and Fixture Production Without Water Wash Spray
Booth(s) or Without Laundry Facilities
Wood Furniture and Fixture Production with Water Wash Spray
Booth(s) or With Laundry Facilities

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section
307.4000 General Provisions
307.4001 Unbleached Kraft
307.4002 Semi-Chemical
307.4004 Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4005 Paperboard From Wastepaper
307.4006 Dissolving Kraft
307.4007 Market Bleached Kraft
307.4008 BCT Bleached Kraft
307.4009 Fine Bleached Kraft
307.4010 Papergrade Sulfite (Blow Pit Wash)
307.4011 Dissolving Sulfite Pulp
307.4012 Groundwood-Chemi-Mechanical
307.4013 Groundwood-Thermo-Mechanical
307.4014 Groundwood-CMN Papers
307.4015 Groundwood-Fine Papers
307.4016 Soda
307.4017 Deink
307.4018 Nonintegrated-Fine Papers
307.4019 Nonintegrated-Tissue Papers
307.4020 Tissue From Wastepaper
307.4021 Papergrade Sulfite (Drum Wash)
307.4022 Unbleached Kraft and Semi-Chemical
307.4023 Wastepaper-Molded Products
307.4024 Nonintegrated-Lightweight Papers
307.4025 Nonintegrated-Filter and Nonwoven Papers
307.4026 Nonintegrated-Paperboard

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Builder's Paper and Roofing Felt

Section
307.4101

SUBPART BG: MEAT PRODUCTS

Section
307.4201 Simple Slaughterhouse
307.4202 Complex Slaughterhouse
307.4203 Low-Processing Packinghouse
307.4204 High-Processing Packinghouse
307.4205 Small Processor
307.4206 Meat Cutter
307.4207 Sausage and Luncheon Meats Processor
307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
307.4300 General Provisions
307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
307.4900 General Provisions
307.4901 Fermentation Products
307.4902 Extraction Products
307.4903 Chemical Synthesis Products
307.4904 Mixing/Compounding and Formulation
307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
307.5301 Asphalt Emulsion
307.5302 Asphalt Concrete
307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Organic Pesticide Chemicals Manufacturing
Metallo-Organic Pesticides Chemicals Manufacturing
Pesticide Chemicals Formulating and Packaging307.6501
307.6502
307.6503

SUBPART CG: CARBON BLACK MANUFACTURING

Section
307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
307.7100 General Provisions
307.7101 Cadmium
307.7102 Calcium
307.7103 Lead
307.7104 Lecianche
307.7105 Lithium
307.7106 Magnesium
307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
307.7300 General Provisions
307.7301 Contact Cooling and Heating Water
307.7302 Cleaning Water
307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
307.7400 General Provisions
307.7401 Aluminum Casting
307.7402 Copper Casting
307.7403 Ferrous Casting
307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
307.7500 General Provisions
307.7501 Steel Basis Material
307.7502 Galvanized Basis Material
307.7503 Aluminum Basis Material
307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section
307.7600 General Provisions
307.7601 Steel Basis Material

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.7602 Cast Iron Basis Material
 307.7603 Aluminum Basis Material
 307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section

307.7700 General Provisions
 307.7701 Rolling With Neat Oils
 307.7702 Rolling With Emulsions
 307.7703 Extrusion
 307.7704 Forging
 307.7705 Drawing With Neat Oils
 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section

307.7800 General Provisions
 307.7801 Copper Forming
 307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section

307.7901 Semiconductor
 307.7902 Electronic Crystals
 307.7903 Cathode Ray Tube
 307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section

307.8100 General Provisions
 307.8101 Lead-Tin-Bismuth Forming
 307.8102 Magnesium Forming
 307.8103 Nickel-Cobalt Forming
 307.8104 Precious Metals Forming
 307.8105 Refractory Metals Forming
 307.8106 Titanium Forming
 307.8107 Uranium Forming
 307.8108 Zinc Forming
 307.8109 Zirconium-Hafnium Forming
 307.8110 Metal Powders

Appendix A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027, as amended by P.A. 85-1048, effective January 1, 1989).

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989.

SUBPART CP: ALUMINUM FORMING

Section 307.7700 General Provisions

a) Applicability.

1) Aluminum forming includes commonly recognized forming operations such as rolling, drawing, extruding and forging, and related operations such as heat treatment, casting and surface treatments. Surface treatment of aluminum is any chemical or electrochemical treatment applied to the surface of aluminum. Such surface treatment is considered to be a part of aluminum forming whenever it is performed as an integral part of aluminum forming. For the purposes of this Subpart, surface treatment of aluminum is considered to be an integral part of aluminum forming whenever it is performed at the same plant site at which aluminum is formed and such operations are not considered for regulation under the electroplating and metal finishing provisions of Subparts N and AH. Casting aluminum when performed as an integral part of aluminum forming and located on-site at an aluminum forming plant is considered an aluminum forming operation and is covered under this Subpart. When aluminum forming is performed on the same site as primary aluminum reduction the casting shall be regulated by Subpart CT (nonferrous metals) if there is no cooling of the aluminum prior to casting. If the aluminum is cooled prior to casting then the casting shall be regulated by this Subpart.

2) This Subpart applies to any aluminum forming facility, except for plants identified under subsection (a)(3), which introduces or may introduce pollutants into a POTW.

3) This Subpart applies to indirect discharging aluminum forming plants that extrude less than 3 million pounds of product per year and draw, with emulsions or soaps, less than 1 million pounds per year.

b) General definitions. The Board incorporates by reference 40 CFR 467.02 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1988. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 467.03 (1986)(1988). This incorporation includes no later amendments or editions.
 - d) Compliance dates. The Board incorporates by reference 40 CFR 467.04 (1986)(1988). This incorporation includes no later amendments or editions.
 - e) Removal credits. The control authority may grant removal credits pursuant to 35 Ill. Adm. Code 310.300 et seq. for toxic metals limited in this Subpart when used as indicator pollutants.

(Source: Amended at 13 Ill. Reg. 19288 effective November 17, 1989)

Section 307.7701 Rolling With Neat Oils

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with neat oils subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.11 (1986)(1988). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.15 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.16 (1986)(1988). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288 effective November 17, 1989)

Section 307.7702 Rolling With Emulsions

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with emulsions subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.21 (1986)(1988). This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 467.25 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.26 (1986)(1988). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288 effective November 17, 1989)

Section 307.7703 Extrusion

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the extrusion subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

467.31 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.35 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.36 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288, effective November 17, 1989)

Section 307.7704 Forging

- a) Applicability. This Section applies to discharges resulting from the core of the forging subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.41 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.45 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.46 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288 effective November 17, 1989)

Section 307.7705 Drawing With Neat Oils

- a) Applicability. This Section applies to discharges resulting from the core of the drawing with neat oils subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.51 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.55 ~~(1986)~~(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.56 ~~(1986)~~(1988). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288, effective November 17, 1989)

Section 307.7706 Drawing With Emulsions or Soaps

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the drawing with emulsions or soaps subcategory.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.61 (1986)(1988). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 467.65 (1986)(1988), as amended at 53 Fed. Reg. 52369, December 27, 1988. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 467.66 (1986)(1988). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 13 Ill. Reg. 19288 effective Nov. 17, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Sequential Evaluation Process for the Determination of Disability

- 2) Code Citation: 89 Ill. Adm. Code 845

- 3) Section Numbers: 845.40
Adopted Action: new section

- 4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "An ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a) and 3434(k)).

- 5) Effective Date of Amendments: November 22, 1989

- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

- 7) Does this amendment contain incorporations by reference? X Yes ☒ No ☐
A copy of the approval form issued by JCAR on July 28, 1989, is attached to this rulemaking.

- 8) Date Filed in Agency's Principal Office: October 30, 1989

- 9) Notice of Proposal Published in Register: April 7, 1989 13 Ill. Reg. 4641
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rules? No

- 11) Difference(s) between proposal and final version: Differences between the proposed rules and the final rules are:

1. The Authority note has been modified to state: "Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a) and 3434(k))."

2. Section 845.40(a) has been modified to include semicolons after "April, 1988)" and after "January, 1986" and before "Social Security Ruling" and to include an "and" before "Social Security Ruling."

3. Section 845.40(a) has been revised to include an "s" after "Ruling" and before "82-51."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All the changes agreed upon by the agency and JCAR have been made as indicated in the agreement letter issued by JCAR.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace an Emergency Rule(s) currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendment(s): These amendments clarify the Department's policies and procedures for the Bureau of Disability Determination Services regarding sequential evaluation process for the determination of disability.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:
- Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER g: BUREAU OF DISABILITY DETERMINATION SERVICES

PART 845

SEQUENTIAL EVALUATION PROCESS FOR THE DETERMINATION OF DISABILITY

Section	Definitions
845.10	Steps of Sequential Evaluation
845.30	Multiple Impairments
845.40	Evaluation of Pain and Other Symptoms

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a) and (k)).

SOURCE: Adopted at 10 Ill. Reg. 19764, effective November 6, 1986; peremptory amendment at 12 Ill. Reg. 5467, effective February 25, 1988; amended at 13 Ill. Reg. 19308, effective November 22, 1989.

Section 845.40 Evaluation of Pain and Other Symptoms

- a) The Bureau incorporates the criteria for the evaluation of pain and other symptoms specified in the Code of Federal Regulations (20 CFR 404.1508, 404.1528, 404.1529, 416.908, 416.928, and 416.929 revised April, 1988); the Program Operations Manual System, Disability Insurance (DI) 22511.000 as amended August 1988, DI 24510.000 as amended January 1986, DI 24515.060 as amended October 1986, DI 24525.000 as amended September 1987, DI 24540.000 as amended February 1986, DI 24575.000 as amended February 1988, DI 24580.000 as amended February 1988, and DI 25005.000 as amended January 1986; and Social Security Rulings 82-51 (Titles II and XVI: Guidelines for Residual Functional Capacity Assessment in Musculoskeletal and Cardiovascular Impairments), 82-53 (Titles II and XVI: Basic Disability Evaluations Guides), 82-55 (Titles II and XVI: Medical Impairments That are Not Severe), 82-58 (Titles II and XVI: Evaluations of Symptoms), 83-19 (Titles II and XVI: Finding Disability on the Basis of Medical Considerations Alone - The Listing of Impairments and Medical Equivalency), and 88-13 (Titles II and XVI: Evaluation of Pain and Other Symptoms).

- b) The Bureau will consider the evaluation of pain and other symptoms in regard to the Listing of Impairments as described in 89 Ill. Adm. Code 860 (Listing of Impairments).

(Source: Added at 13 Ill. Reg. 19308, effective Nov. 22, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.154

Withdrawal

- 4) Date Notice of Proposed Amendment Published in the Illinois Register: October 13, 1989 (13 Ill. Reg. 15985)

5) Reason for the withdrawal: The Medicare Catastrophic Coverage Act allows a State to choose between a minimum and a maximum income level and asset level that an institutionalized spouse may transfer to a community spouse. For assets, the minimum is approximately \$12,000 and the maximum is \$60,000. For income, the minimum is determined by a formula which is approximately 122% (eventually 150% in 1992) of poverty level for a family of two (i.e., \$815), plus an excess shelter allowance and the maximum is \$1,500 per month. In both cases, under the Emergency Amendment and the Proposed Amendment, the Department chose the maximum level.

Because of budget projections in this area and an increased cost of providing services in other areas, the Department has determined that it simply cannot continue to use the maximum income and asset levels in this program. Instead, this Proposed Rulemaking will be withdrawn and new Proposed Rulemaking will be published utilizing the minimum income and asset levels allowed by Federal law.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:

113.154

Withdrawal

113.155

Withdrawal

- 4) Date Notice of Proposed Amendment Published in the Illinois Register: October 13, 1989 (13 Ill. Reg. 15987)

5) Reason for the withdrawal: The Medicare Catastrophic Coverage Act allows a State to choose between a minimum and a maximum income level and asset level that an institutionalized spouse may transfer to a community spouse. For assets, the minimum is approximately \$12,000 and the maximum is \$60,000. For income, the minimum is determined by a formula which is approximately 122% (eventually 150% in 1992) of poverty level for a family of two (i.e., \$815), plus an excess shelter allowance and the maximum is \$1,500 per month. In both cases, under the Emergency Amendments and the Proposed Amendments, the Department chose the maximum level.

Because of budget projections in this area and an increased cost of providing services in other areas, the Department has determined that it simply cannot continue to use the maximum income and asset levels in this program. Instead, this Proposed Rulemaking will be withdrawn and new Proposed Rulemaking will be published utilizing the minimum income and asset levels allowed by Federal law.

DEPARTMENT OF PUBLIC AID
NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) The Heading of the Part: GENERAL ASSISTANCE
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: Proposed Action:
114.270 Withdrawal
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: October 13, 1989 (13 Ill. Reg. 15989)

5) Reason for the withdrawal: The Medicare Catastrophic Coverage Act allows a State to choose between a minimum and a maximum income level and asset level that an institutionalized spouse may transfer to a community spouse. For assets, the minimum is approximately \$12,000 and the maximum is \$60,000. For income, the minimum is determined by a formula which is approximately 122% (eventually 150% in 1992) of poverty level for a family of two (i.e., \$815), plus an excess shelter allowance and the maximum is \$1,500 per month. In both cases, under the Emergency Amendment and the Proposed Amendment, the Department chose the maximum level.

Because of budget projections in this area and an increased cost of providing services in other areas, the Department has determined that it simply cannot continue to use the maximum income and asset levels in this program. Instead, this Proposed Rulemaking will be withdrawn and new Proposed Rulemaking will be published utilizing the minimum income and asset levels allowed by Federal law.

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:

120.20	Withdrawal
120.61	Withdrawal
120.285	Withdrawal
120.379	Withdrawal
120.385	Withdrawal
120.386	Withdrawal

- 4) Date Notice of Proposed Amendments Published in the Illinois Register: October 20, 1989 (13 Ill. Reg. 16294)
- 5) Reason for the withdrawal: The Medicare Catastrophic Coverage Act allows a State to choose between a minimum and a maximum income level and asset level that an institutionalized spouse may transfer to a community spouse. For assets, the minimum is approximately \$12,000 and the maximum is \$60,000. For income, the minimum is determined by a formula which is approximately 122% (eventually 150% in 1992) of the poverty level for a family of two (i.e., \$815), plus an excess shelter allowance and the maximum is \$1,500 per month. In both cases, under the Emergency Amendments and the Proposed Amendments, the Department chose the maximum level.

Because of budget projections in this area and an increased cost of providing services in other areas, the Department has determined that it simply cannot continue to use the maximum income and asset levels in this program. Instead, this Proposed Rulemaking will be withdrawn and new Proposed Rulemaking will be published utilizing the minimum income and asset levels allowed by Federal law.

DEPARTMENT OF PUBLIC AID

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES

- 2) Code Citation: 89 Ill. Adm. Code 103

- 3) Section Number: Proposed Action:
103.10 Withdrawal

- 4) Date Notice of Proposed Amendment Published in the Illinois Register: October 13, 1989 (13 Ill. Reg. 15991)

- 5) Reason for the withdrawal: The Medicare Catastrophic Coverage Act allows a State to choose between a minimum and a maximum income level and asset level that an institutionalized spouse may transfer to a community spouse. For assets, the minimum is approximately \$12,000 and the maximum is \$60,000. For income, the minimum is determined by a formula which is approximately 122% (eventually 150% in 1992) of poverty level for a family of two (i.e., \$815), plus an excess shelter allowance and the maximum is \$1,500 per month. In both cases, under the Emergency Amendment and the Proposed Amendment, the Department chose the maximum level.

Because of budget projections in this area and an increased cost of providing services in other areas, the Department has determined that it simply cannot continue to use the maximum income and asset levels in this program. Instead, this Proposed Rulemaking will be withdrawn and new Proposed Rulemaking will be published utilizing the minimum income and asset levels allowed by Federal law.

ILLINOIS REGISTER

19316
89JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATE OF ILLINOIS CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:00 A.M.

DECEMBER 14, 1989

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

- I. Approval of November 16, 1989 Minutes
II. Review of Proposed Agency Rulemaking

Department on Aging

1. Community Care Program; 89 Ill. Adm. Code 240
-First Notice Published: 13 Ill. Reg. 13353 - 8-25-89
-Expiration of Second Notice Period: 1-4-90

Department of Central Management Services

2. Pay Plan; 80 Ill. Adm. Code 310
-First Notice Published: 13 Ill. Reg. 15141 - 9-29-89
-Expiration of Second Notice Period: 1-2-90

Department of Commerce and Community Affairs

3. Training Services for the Disadvantaged; 56 Ill. Adm. Code 2610
-First Notice Published: 13 Ill. Reg. 5017 - 4-14-89
-Expiration of Second Notice Period: 12-15-89

Illinois Commerce Commission

4. Purchase and Sale of Electric Energy from Qualified Solid Waste Energy Facilities; 83 Ill. Adm. Code 445
-First Notice Published: 13 Ill. Reg. 13129 - 8-18-89
-Expiration of Second Notice Period: 12-14-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

AGENDA

5. Uniform System of Accounts for Gas Utilities; 83 Ill. Adm. Code 505
-First Notice Published: 13 Ill. Reg. 13361 - 8-25-89
-Expiration of Second Notice Period: 12-26-89

Department of Conservation

6. Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590
-First Notice Published: 13 Ill. Reg. 15509 - 10-6-89
-Expiration of Second Notice Period: 1-8-90

7. Taking of Wild Turkeys - Spring Season; 17 Ill. Adm. Code 710
-First Notice Published: 13 Ill. Reg. 15534 - 10-6-89
-Expiration of Second Notice Period: 1-8-90

Department of Employment Security

8. Employment; 56 Ill. Adm. Code 2732
-First Notice Published: 13 Ill. Reg. 12748 - 8-4-89
-Expiration of Second Notice Period: 1-2-90

Environmental Protection Agency

9. Joint Rule of the Environmental Protection Agency and the Department of Public Health: Certification and Operation of Environmental Laboratories; 35 Ill. Adm. Code 190
-First Notice Published: 13 Ill. Reg. 7522 - 5-9-89
-Expiration of Second Notice Period: 12-26-89

10. Annual Testing Fees for Analytical Services; 35 Ill. Adm. Code 691
-First Notice Published: 13 Ill. Reg. 15164 - 9-29-89
-Expiration of Second Notice Period: 1-4-90

11. Permit Fees for Installing or Extending Water Main; 35 Ill. Adm. Code 690
-First Notice Published: 13 Ill. Reg. 15174 - 9-29-89
-Expiration of Second Notice Period: 1-4-90

Board of Higher Education

12. Engineering Grant Program; 23 Ill. Adm. Code 1025
-First Notice Published: 13 Ill. Reg. 14561 - 9-22-89
-Expiration of Second Notice Period: 12-26-89

13. Health Services Education Grants Act; 23 Ill. Adm. Code 1020
-First Notice Published: 13 Ill. Reg. 14521 - 9-22-89
-Expiration of Second Notice Period: 12-26-89

14. Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning; 23 Ill. Adm. Code 1000
-First Notice Published: 13 Ill. Reg. 14531 - 9-22-89
-Expiration of Second Notice Period: 12-26-89

Department of Insurance

15. Premium Fund Trust Account; 50 Ill. Adm. Code 3113
-First Notice Published: 13 Ill. Reg. 12935 - 8-11-89
-Expiration of Second Notice Period: 12-18-89

16. Advertisements of Medicare Supplement Insurance; 50 Ill. Adm. Code 2010
-First Notice Published: 12 Ill. Reg. 21008 - 12-23-88
-Expiration of Second Notice Period: 12-22-89

Department of Professional Regulation

17. Podiatric Medical Practice Act of 1987; 68 Ill. Adm. Code 1360
-First Notice Published: 13 Ill. Reg. 14004 - 9-8-89
-Expiration of Second Notice Period: 12-14-89

Department of Public Aid

18. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113
-First Notice Published: 13 Ill. Reg. 14263 - 9-15-89
-Expiration of Second Notice Period: 12-15-89

19. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 13 Ill. Reg. 14265 - 9-15-89
-Expiration of Second Notice Period: 12-15-89

20. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
-First Notice Published: 13 Ill. Reg. 14741 - 9-22-89
-Expiration of Second Notice Period: 12-22-89

21. General Assistance; 89 Ill. Adm. Code 114
-First Notice Published: 13 Ill. Reg. 14764 - 9-22-89
-Expiration of Second Notice Period: 12-22-89

22. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Notice Published: 13 Ill. Reg. 14778 - 9-22-89
-Expiration of Second Notice Period: 12-22-89

23. Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115
-First Notice Published: 13 Ill. Reg. 14790 - 9-22-89
-Expiration of Second Notice Period: 12-22-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

24. Related Program Provisions; 89 Ill. Adm. Code 117
-First Notice Published: 13 Ill. Reg. 14008 - 9-8-89
-Expiration of Second Notice Period: 12-28-89
25. Food Stamps; 89 Ill. Adm. Code 121
-First Notice Published: 13 Ill. Reg. 13503 - 8-25-89
-Expiration of Second Notice Period: 1-2-90
26. Food Stamps; 89 Ill. Adm. Code 121
-First Notice Published: 13 Ill. Reg. 13503 - 8-25-89
-Expiration of Second Notice Period: 1-2-90
27. Food Stamps; 89 Ill. Adm. Code 121
-First Notice Published: 13 Ill. Reg. 14756 - 9-22-89
-Expiration of Second Notice Period: 12-22-89
- Department of Public Health
28. Illinois Clinical Laboratories Code; 77 Ill. Adm. Code 450
-First Notice Published: 13 Ill. Reg. 14280 - 9-15-89
-Expiration of Second Notice Period: 12-18-89
29. Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics; 77 Ill. Adm. Code 725
-First Notice Published: 13 Ill. Reg. 14306 - 9-15-89
-Expiration of Second Notice Period: 12-18-89
30. Joint Rule of the Environmental Protection Agency and the Department of Public Health: Certification and Operation of Environmental Laboratories; 35 Ill. Adm. Code 190
-First Notice Published: 13 Ill. Reg. 7561 - 5-19-89
-Expiration of Second Notice Period: 12-28-89
31. Minimum Qualifications for Public Health Personnel Employed by Full-Time Local Health Departments; 77 Ill. Adm. Code 600
-First Notice Published: 13 Ill. Reg. 10035 - 6-30-89
-Expiration of Second Notice Period: 12-28-89
32. Program Standards for Local Health Departments; 77 Ill. Adm. Code 615
-First Notice Published: 13 Ill. Reg. 10137 - 6-30-89
-Expiration of Second Notice Period: 12-28-89
33. Illinois Water Well Construction Code; 77 Ill. Adm. Code 920
-First Notice Published: 13 Ill. Reg. 15338 - 9-29-89
-Expiration of Second Notice Period: 12-14-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Illinois Racing Board

34. Medication Rules; 11 Ill. Adm. Code 509
-First Notice Published: 13 Ill. Reg. 10171 - 6-30-89
-Expiration of Second Notice Period: 1-4-90

Department of Rehabilitation Services

35. Client Financial Participation; 89 Ill. Adm. Code 562
-First Notice Published: 13 Ill. Reg. 14313 - 9-15-89
-Expiration of Second Notice Period: 12-21-89

36. Service Plan Development; 89 Ill. Adm. Code 700
-First Notice Published: 13 Ill. Reg. 14331 - 9-15-89
-Expiration of Second Notice Period: 12-28-89

37. Training Services; 89 Ill. Adm. Code 592
-First Notice Published: 13 Ill. Reg. 14338 - 9-15-89
-Expiration of Second Notice Period: 12-28-89

Department of Revenue

38. Retailer's Occupation Tax Regulations; 86 Ill. Adm. Code 130
-First Notice Published: 13 Ill. Reg. 8391 - 6-2-89
-Expiration of Second Notice Period: 1-2-90

39. Retailers' Occupation Tax Regulations; 86 Ill. Adm. Code 130
-First Notice Published: 12 Ill. Reg. 22097 - 12-23-88
-Expiration of Second Notice Period: 1-2-90

Illinois Sports Facilities Authority

40. Procurement Procedures; 44 Ill. Adm. Code 1305
-First Notice Published: 12 Ill. Reg. 22125 - 12-23-88
-Expiration of Second Notice Period: 12-18-89

Secretary of State

41. Regulations Under Illinois Securities Law of 1953; 14 Ill. Adm. Code 130
-First Notice Published: 13 Ill. Reg. 13742 - 9-1-89
-Expiration of Second Notice Period: 12-18-89

42. The Use of the Capitol Complex Facilities; 71 Ill. Adm. Code 2005
-First Notice Published: 13 Ill. Reg. 15640 - 10-6-89
-Expiration of Second Notice Period: 1-4-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

43. Revised Uniform Limited Partnership Act; 14 Ill. Adm. Code 170
-First Notice Period: 13 Ill. Reg. 14824 - 9-29-89
-Expiration of Second Notice Period: 1-4-90
44. Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040
-First Notice Published: 13 Ill. Reg. 14810 - 9-22-89
-Expiration of Second Notice Period: 1-5-90
45. Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040
-First Notice Published: 13 Ill. Reg. 15351 - 9-29-89
-Expiration of Second Notice Period: 1-5-90
46. Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010
-First Notice Published: 13 Ill. Reg. 15357 - 9-29-89
-Expiration of Second Notice Period: 1-5-90

Department of Transportation

47. Allocation of Water From Lake Michigan; 92 Ill. Adm. Code 730
-First Notice Published: 13 Ill. Reg. 14357 - 9-15-89
-Expiration of Second Notice Period: 12-15-89

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Agriculture

48. Meat and Poultry Act; 8 Ill. Adm. Code 125 (Peremptory)
-Notice Published: 13 Ill. Reg. 16838 - 10-27-89
49. Meat and Poultry Act; 8 Ill. Adm. Code 125 (Peremptory)
-Notice Published: 13 Ill. Reg. 17495 - 11-13-89

Illinois Commerce Commission

50. Standards of Service for Electric Utilities; 83 Ill. Adm. Code 410 (Emergency)
-Notice Published: 13 Ill. Reg. 16563 - 10-20-89
51. Standards of Service for Gas Utilities; 83 Ill. Adm. Code 500 (Emergency)
-Notice Published: 13 Ill. Reg. 16571 - 10-20-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Conservation

52. Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590 (Emergency)
-Notice Published: 13 Ill. Reg. 16579 - 10-20-89

Department of Public Aid

53. Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)
-Notice Published: 13 Ill. Reg. 16586 - 10-20-89

Department of Public Health

54. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)
-Notice Published: 13 Ill. Reg. 17101 - 11-3-89

Department of State Police Merit Board

55. Procedures of the Department of State Police Merit Board; 80 Ill. Adm. Code 150
-Notice Published: 13 Ill. Reg. 16607 - 10-20-89

V. Incorporation by Reference

VI. Agency Responses to Joint Committee Statements of Objection

Department of Conservation

56. North Point Marina Vendors; 17 Ill. Adm. Code 230
-First Published: 13 Ill. Reg. 4430 - 4-7-89
-Objection Date: 7-28-89
-Response: Failure to Respond

Department of Public Aid

57. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147
-First Published: 13 Ill. Reg. 10999 - 7-7-89
-Objection Date: 9-21-89
-Response: Refusal

58. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Published: 13 Ill. Reg. 11929 - 7-14-89
-Objection Date: 9-21-89
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

59. Medical Assistance Programs; 89 Ill. Adm. Code 120
 -First Published: 13 Ill. Reg. 12137 - 7-21-89
 -Objection Date: 7-21-89
 -Response: Refusal
60. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113
 -First Published: 13 Ill. Reg. 14467 - 9-15-89
 -Objection Date: 11-16-89
 -Response: Refusal
61. Medical Payment; 89 Ill. Adm. Code 140
 -First Published: 13 Ill. Reg. 15473 - 9-29-89
 -Objection Date: 11-16-89
 -Response: Refusal
62. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
 -First Published: 13 Ill. Reg. 16142 - 10-13-89
 -Objection Date: 10-13-89
 -Response: Refusal
63. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113
 -First Published: 13 Ill. Reg. 16154 - 10-13-89
 -Objection Date: 11-16-89
 -Response: Refusal
64. General Assistance; 89 Ill. Adm. Code 114
 -First Published: 13 Ill. Reg. 16169 - 10-13-89
 -Objection Date: 11-16-89
 -Response: Refusal
65. Support Responsibility of Relatives; 89 Ill. Adm. Code 103
 -First Published: 13 Ill. Reg. 16180 - 10-16-89
 -Objection Date: 11-16-89
 -Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 20, 1989, through November 22, 1989, and have been scheduled for review by the Committee at its December 14, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its December meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
1/4/90	Department on Aging, Community Care Program (89 Ill. Adm. Code 240)	8/25/89 13 Ill. Reg. 13353	December 14, 1989
1/4/90	Environmental Protection Agency, Annual Testing Fees for Analytical Services (35 Ill. Adm. Code 691)	9/29/89 13 Ill. Reg. 15164	December 14, 1989
1/4/90	Environmental Protection Agency, Permit Fees for Installing or Extending Water Main (35 Ill. Adm. Code 690)	9/29/89 13 Ill. Reg. 15174	December 14, 1989
1/4/90	Illinois Racing Board, Medication Rules (11 Ill. Code 509)	6/30/89 13 Ill. Reg. 10171	December 14, 1989
1/4/90	Secretary of State, Revised Uniform Limited Partnership Act (14 Ill. Adm. Code 170)	9/22/89 13 Ill. Reg. 14824	December 14, 1989
1/4/90	Secretary of State, The Use of the Capitol Complex Facilities (71 Ill. Adm. Code 2005)	10/6/89 13 Ill. Reg. 15640	December 14, 1989
1/5/90	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	9/22/89 13 Ill. Reg. 14810	December 14, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
1/5/90	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	9/29/89 13 Ill. Reg. 15351	December 14, 1989
1/5/90	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	9/29/89 13 Ill. Reg. 15357	December 14, 1989
1/8/90	Department of Conservation, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	10/6/89 13 Ill. Reg. 15509	December 14, 1989
1/8/90	Department of Conservation, The Taking of Wild Turkeys - Spring Season (17 Ill. Adm. Code 710)	10/6/89 13 Ill. Reg. 15534	December 14, 1989

PROCLAMATION
89-544

THE HAROLD WASHINGTON FOUNDATION DAY

Whereas, the Harold Washington Foundation was founded by the late Mayor Washington of Chicago in 1987. The foundation's mission is to enhance the level of minority participation in public affairs and the arts by designing and sponsoring educational programs which assist young people; and

Whereas, the foundation will hold a Gala Dinner and Tribute Concert on Wednesday, November 29, 1989, to benefit the children's literacy program of the Harold Washington Foundation; and

Whereas, the tribute will include a performance by the Chicago Sinfonietta and a narrative retrospective about Mayor Washington written especially for the tribute by Lerone Bennett Jr., the distinguished historian and editor of Ebony magazine;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 29, 1989, as THE HAROLD WASHINGTON FOUNDATION DAY in Illinois.

Issued by the Governor November 16, 1989.

Filed with the Secretary of State November 27, 1989.

89-545
COAL MINERS DAY

Whereas, coal is embedded under more than two-thirds of Illinois; and

Whereas, the coal mining companies and the coal miners themselves are significant in the stability of our state and our nation; and

Whereas, West Frankfort, Illinois, at one time had the largest working coal mine, and the city hosts the Old King Coal Festival every year; and

Whereas, the Coal Miner's Memorial was dedicated September 23, 1989, in West Frankfort;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 23, 1989, as COAL MINERS DAY in Illinois, in honor of the significance of the coal mining industry and the hard-working individuals involved.

Issued by the Governor November 20, 1989.

Filed with the Secretary of State November 27, 1989.

89-546

CRITICAL CARE NURSE WEEK

Whereas, critical care nurses are registered professional nurses who give critically ill patients optimal care through their individual professional accountability, thorough knowledge of the interrelatedness of body systems, and appreciation of the